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A TREATISE

ON

THE FUNCTIONS AND DUTIES

OF

A CONSTABLE;

CONTAINING

DETAILS AND OBSERVATIONS INTERESTING TO THE PUBLIC,

AS THEY RELATE TO

THE CORRUPTION OF MORALS, AND THE PROTECTION OF THE PEACEFUL SUBJECT AGAINST PENAL AND CRIMINAL OFFENCES.

Qui non vetat peccare cum possit jubet.—SENECA.

BY P. COLQUHOUN, ESQ. LL.D.

A MAGISTRATE ACTING FOR THE COUNTIES OF MIDDLESEX, SURREY, KENT, AND ESSEX;
FOR THE CITY AND LIBERTY OF WESTMINSTER,
AND FOR THE LIBERTY OF THE TOWER OF LONDON.

LONDON:

PRINTED BY W. BULMER AND CO. CLEVELAND-ROW, ST. JAMES'S; FOR J. MAWMAN IN THE POULTRY, AND J. HATCHARD, PICCADILLY.

1803.

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Magdalene College
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TO

THE ACTING MAGISTRATES

IN THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND,

TO WHOSE BENEFICIAL LABOURS IN GIVING EFFECT TO THE LAWS,

THE PUBLIC

ARE PECULIARLY INDEBTED,

THIS WORK

IS RESPECTFULLY INSCRIBED,

BY

THEIR MOST OBEDIENT AND

MOST FAITHFUL HUMBLE SERVANT,

THE AUTHOR.

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PREFACE.

THE Treatise now offered to the attention of the Public, (although written for the more immediate information and instruction of Constables,) it is humbly presumed will be found to contain details interesting to every member of the community, who may be desirous of knowing, without much trouble, in what manner the general Police of the country is conducted, and how the peaceful subject is, or ought to be, protected against those public wrongs which render life and property insecure, in cases where society is afflicted by the commission of moral, political, or criminal offences.

The Work in question may be considered as an epitome of those guards which the Legislature and the Common Law have established, for the protection of the innocent against the corruption of morals, and other acts of minor delinquency, including the higher offences affecting life and property: and also for the security of the Sovereign and his Government against traitorous and seditious conspiracies.

As every individual in the general intercourse of society, who may suffer an injury cognizable by law, has a claim upon the ministers of Justice for their assistance and protection, it cannot fail to be a matter of peculiar interest to know, under every circumstance, where relief is to be found, and how to proceed on every emergency when offences are first committed, with a view to that redress which the nature of the case may require.

It is humbly presumed that this knowledge will be acquired by an attentive perusal, and by an occasional reference to the instructions offered in this Treatise to the consideration of Constables.

From the general arrangement of the Work, it will be seen that the laws now in being form an excellent

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system of ethics: that they are in general well calculated to repress most of the evils which afflict society; and that the inconveniences which are experienced, are chiefly to be traced to the imperfection of the general system of Police, as it relates to their due and proper execution.

This obvious state of things has excited in the Author a strong and anxious desire to contribute, as far as circumstances will permit, to the improvement of this system, by explaining (in terms divested of technical obscurity) to every denomination of Peace Officers those indispensable duties which they are called upon to perform, and which are necessary to give effect to executive Justice; by shewing them in the progress of their instruction, not only the evil tendency of the offences they are enjoined to repress, but also the advantages which may be derived from zeal and activity, as well as the penalties and punishments which are attached to a neglect of the various functions which Constables are imperiously called upon by the Common Law, and by the Legislature, to execute for the benefit of the public.

To those who may be induced to honour this Work with an attentive perusal, it will be obvious how extensive and interesting these functions have become in the progress of society; and how much depends on this important trust being committed to *able*, *prudent*, and *intelligent* individuals.

It will be here seen how much the public loses by a relaxed system in the choice of officers assigned to keep the peace; and the objects which are to be gained by rational and practical improvements.

It will also be acknowledged on the perusal of this Work, contrary to the vulgar prejudice, which has had too great a tendency to degrade the office and character of a Constable, that the duties required are now become so multiplied and extensive, and of such importance to the interests of society, that at least a certain degree of respectability ought to attach where so much depends on the proper execution of the powers

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which are in many instances conceded. That a knowledge of the duty to be performed should be an indispensable qualification; and that *probity* and *discretion* to apply this knowledge usefully, should ever be in the view of those to whom the selection and the choice are committed.

In proportion as these objects are attained, will the benefits to the community be extended; not only as they apply to the improved state of morals, but also with respect to the public security in the diminution of crimes and other penal offences.

James Street, Westminster,
10th January, 1803.

ADVERTISEMENT.

THE Author entertains a humble, but confident hope, that in addition to the advantages which may arise from this Work, as they relate to Constables in particular, and the Public in general—the acting Magistrates may find it an useful compendium with respect to not a few of those particular minor offences requiring frequent appeals to their judgment and decision, in a summary way; while at the same time the Statutes which are quoted will in some degree answer the purpose of an Index, by speedily directing the attention to fuller information, where convictions become necessary. And it is further to be hoped, that the synopsis or summary view which is given, of the penalties applicable to those minor offences cognizable by Justices, which do most frequently occur, may assist the memory in cases where it may be found desirable to admonish and forewarn the unwary, and to arrest the hands of evil doers, by a concise and familiar promulgation of the laws applicable to those local or peculiar shades of delinquency which do most generally prevail; and thereby to benefit society, by lessening the demand for punishment.

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PRELIMINARY OBSERVATIONS.

On the Ancient and Modern Practice, as it relates to the Appointment and Functions of Constables and other Peace Officers; with Suggestions for the Improvement of the System.

It has been generally admitted, that the office of Constable is as old as the Monarchy of England. The Statute of Winchester, made in the 13th year of Edward I. (anno 1285) appears to be the first instance on record, of any systematic arrangement, explanatory of the functions and duties of peace officers.

This act appoints two Constables to be chosen in every hundred, and such seems to have been the attention of the Legislature, at that early period, to the police of the country, "*That suspicious night-walkers are ordered to be arrested and detained by the watch.*" These Constables were also "*to make the view of armour, and present defaults of armour, and of suits of towns and highways, and such as lodge strangers in uplandish towns, for which they will not answer.*"

A subsequent statute, made in the 5th year of Edward III. cap. 14 (1332), empowers Constables "*to arrest persons suspected of manslaughter, felonies, and robberies, and to deliver them to the sheriff to be kept in prison till the coming of the justices.*" And another act, of the 34th of the same reign, cap. 1, (anno 1361) empowers the justices (inter alia) "*to inquire after wanderers, to arrest and imprison suspicious persons of evil fame to give security for good behaviour, so that the people may not be troubled by rioters, nor the peace blemished; nor merchants, or others travelling on the highways, be disturbed, or put in peril, by such offenders.*"

In the progress of society, it was found necessary not only to increase the number of peace officers, but also to extend their functions; and, in addition to this, certain modifications appear to have taken place; since, a superior officer, denominated a *High Constable*, (who probably may have existed in some shape in the reign of Edward I.) was, after a certain period, found necessary, to preside over the inferior peace officers in each district; and also, to exercise certain separate and distinct functions, applicable to the general peace of the *hundred*, *franchise*, *lathe*, *rape*, *wapentake*, or *division*, according to the various names in different counties which are given to the district comprehending this officer's jurisdiction.

The High Constable was anciently, under the feudal system, chosen by the sheriff of each county in his *tourn* or perambulations through the county, while the other peace officers (who assume the different names of *Constable*, *Headborough*, *Thirdborough*, *Boroughead*, *Borsholder*, *Tithingman*, and *Chief Pledge*), were, in

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process of time, appointed by the Lords of the Leet, or what is generally called the Leet Jury, or Court, where the steward of the Lord of the particular Manor (for which Constables are to be chosen) presides.

In modern times, however, it has been the custom to choose the High Constables by a majority of the magistrates present at the sessions, or by the greater number of the justices of the division.* With respect to the other peace officers, certain changes have also taken place, in the mode of appointing them, since, in districts where no court leets are held, or have fallen into disuse, the Constables are chosen by the vestries of the parishes, and other authorities peculiar to cities and large towns; and, in cases where leet juries, parishes, or other authorities, omit to choose peace officers, the justices of the district take upon them, as conservators of the peace, to fill up chasms, by nominating and swearing Constables for every village or place, where none have been appointed; and they have also authority to fill up vacancies in cases of death or removal within the year, that the police of the country may not suffer an injury from the want of the usual number of peace officers.

By the 13th and 14th of Charles II. cap. 12, *it is enacted "that if a Constable die, or go out of the parish, any two justices may make and swear a new one, until the lord shall hold a leet, or until the next quarter sessions, who shall approve of the officer so made, or shall choose another. And if any officer shall continue above a year, the justices, in sessions, may discharge him and put in another, until the lord shall hold a court."*

Such is the practice, which prevails in the different counties of England and Wales, with respect to the choice and appointment of Constables. In the city of London the practice varies. Each of the 25 wards is divided into precincts, the inhabitants of which nominate the Constables each year on St. Thomas's day, who are afterwards appointed or rejected in the wardmote, and when the numbers are complete, they are afterwards sworn into office before the Court of Aldermen on the next Monday after the Twelfth Day. But, besides the local Constables, the Corporation of London exercises the privilege of appointing as many extraordinary peace officers as the exigency of the case may seem to require, who have all the powers of Constables within the city.

The regular Constables, according to ancient usage, ought to be freemen: but substitutes are allowed, and nearly two-thirds of the whole number are, generally, of that description, in London; an arrangement unavoidable, in the present state of society, where so few are to be found, among the freemen, whose important pursuits will admit of that labour and attention which is now

* In the City and Liberty of Westminster there is an exception to this Rule, the High Constable under the authority of the Act 31st of Geo. II. cap. 17. being chosen by the High Steward and Leet Jury.

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indispensable on the part of a Constable, who will conscientiously do his duty. Among other functions, the wardmote-inquest Constables, are enjoined by ancient usage, " to certify the name, place " of abode, and profession or trade, of every stranger, who shall " come to inhabit in their precinct, and to keep a roll thereof; " for this purpose, they ought to make inquiry, at least once a " month, what persons have lately come to lodge there, and if " they find they have been ejected from any other ward *for bad* " *living*, or any misdemeanor, and refuse to give security for " their good behaviour, warning is to be given them, and also to " their landlords, that they depart; and on refusal, it would " seem, by the laws of the city, that they may be imprisoned, " and their landlords fined a year's rent, agreed for by such new " comer."—*Calther: Customs of London.*

By the statute of the 31 Geo. II. cap. 17, Constables, within the city and liberty of Westminster, are chosen in the court leet, where the High Steward appointed by the dean of the cathedral of St. Peter presides. The leet jury has a power to choose 80 Constables, whose functions differ, in no respect, from peace officers in general.

In those parishes, in the counties of Middlesex and Surry, which now make a part of the metropolis, the Constables are chosen partly by the leet juries (where such ancient institutions have not fallen into disuse), and where they do not exist, they are chosen by the parishes, and sworn by the resident justices.

But, besides the Constables chosen annually, under the different establishments already mentioned, parliament has found it necessary to create a new class, generally denominated *Police Constables*, who derive their powers immediately from the Legislature. The act of the 32 Geo. III. since renewed by the statute of the 42 Geo. III. cap. 76, gives to 56 stipendiary Constables, duly appointed and sworn by the justices of the seven public offices in Westminster, Middlesex, and Surry,—" *All such* " *powers, privileges, and advantages, as any Constable now has, or* " *hereafter may have, by virtue of any law or statute now made, or* " *hereafter to be made.*" And another act, made in the 39th and 40th year of Geo. III. cap. 87, *for the more effectual preventing of* " *depredations on the river Thames,*" authorises the three magistrates, appointed by his Majesty, to preside at the Thames Police at Wapping, to employ and swear in a superior and inferior class of stipendary river and land officers, namely, *First*, 30 police surveyors, " *with the authority of Constables, in the counties of Mid-* " *dlesex, Surry, Kent, and Essex, and the liberty of the Tower* " *of London, and with the power of inspecting and directing the* " *conduct of the other Constables, under the control of the Thames* " *Police Justices; and also, all persons employed in ships and ves-* " *sels on the River Thames, and the wharfs adjoining, within* " *their jurisdiction, for the purpose of preventing offences, and of* " *detecting and apprehending persons committing felonies, larcenies,* " *and misdemeanors. Second*, a competent number of persons,

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" *having all the common powers of Constables, in the said four* " *counties and liberty, which any other Constable can exercise with-* " *in his Constablewick.*"

Hence, in the progress of society, it appears, that various modifications have taken place in the ancient system, as it respects Constables, both with regard to the mode of appointment, and the specific functions assigned to them to perform.

During the present, and the six preceding reigns, the Legislature has assigned a variety of new duties to Constables in general, which made no part of their ancient functions. They are not now, as formerly, ministerial officers, merely to preserve the king's peace, to prevent crimes and misdemeanors, and to detect and apprehend delinquents committing offences; their duties at present extend to a variety of other objects, as they relate to the *army, the militia, the revenue, and the parochial police, &c.* as will appear in this work. They are called upon to execute a great variety of modern statutes, and are subject to penalties if they refuse or neglect to perform the duties assigned them. At the same time, advantages are held out as a stimulus to vigilance and activity, by many modern statutes, which the Author of this Treatise has endeavoured to elucidate and explain.

The result of this disquisition shews, that the original institutions has unavoidably undergone a variety of modifications, and that stipendiary Constables have been found indispensably necessary, at least in the metropolis, to guard the public against acts of violence and depredation. Substitutes, in consequence of the advanced state of society, appear to have become also, in some degree necessary, who may be considered as another class of officers, with salaries, since they receive a certain annual gratuity from their principals, for performing the duties of their office.

Hence, it appears, that there exist, at present, six different classes of Constables in this kingdom.

1st. Parochial Constables, under the ancient system, to whom it is assigned, gratuitously, to execute the duties of peace officers, for the year in which they are chosen.

2d. Substitute Constables, who may be considered, in a certain degree, as stipendiary officers, in as much as they voluntarily take upon them the duties, in consequence of the remuneration granted them by their principals.

3d. Special Constables, who are appointed by justices on the spur of the occasion to execute some specific duty, for which they are generally rewarded, and where the act of the 40 of Geo. III. cap. 78, has provided for their expenses.

4th. Constables, under the seven public offices in the metropolis, who have salaries.

5th. Thames Police Surveyors, and subordinate Constables, having jurisdiction on the river and its vicinity, ditto.

6th. Bow-street Constables and Patroles, who have also salaries.

It is highly probable, that the number of stipendiary Constables, acting in the character of substitutes, in the different great

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towns and opulent districts in the kingdom, have greatly increased of late years, although it is impossible to ascertain to what extent; but, wherever this is found necessary, and that such an indulgence is granted to the principal, the public interest requires that the person who is accepted as a deputy, should possess all the qualifications necessary to guarantee to the community, an *able*, *faithful*, and *prudent* discharge of the duty assigned him. He ought (as the law requires), to be *idoneus homo*, possessing the three qualifications which are indispensably necessary in the principal who he represents, namely:

1. Honesty, to execute his office without malice, affection, or partiality.

2. Knowledge, to understand his duty in all its branches.

3. Ability, as well in *estates* as in *body*, to enable him to act with firmness and independence, that the public interest may not suffer through want or impotency.

And, to ensure these advantages to the community, it might, perhaps, prove beneficial, if all substitutes were rejected who could not find security for the proper execution of the office.

	Constables.		Substitutes.
In the city of London, out of about	250	there are about	150
In the City and Liberty of Westminster	80	in 1802 -	31
In the division of Holborn - - -	96	ditto -	19
In the division of Finsbury - - -	83	ditto -	20
In the division of the Tower Hamlets, and Liberty - - - - - - - -	236	ditto -	64
In the division comprehending Southwark, &c. - - - - - - - - -	87	there are about	46
Total Parish Constables	832		330
Deduct Substitutes	330		
Total Principals -	502	Substitutes	330

In the whole of the metropolis, therefore, there appears to be five different classes of peace officers, namely:

1st. Parochial Constables, serving in their own right gratuitously, about - - - - - - - - -		502
2d. Stipendiary Parochial Substitues, receiving a stipend from their principals, about - - - - - -		330
3d. Ditto, Police Constables, at the seven public offices, established by Act of Parliament -	56	832
4th. Ditto, Police Surveyors Constables, and Water Officers at the Thames Police, established by Act of Parliament, about - - -	80	
5th. Ditto, Bow-street Officers and Patroles, to prevent and detect highway robberies, &c. &c.	77	
		213
Total in the metropolis		1045

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Thus, it would seem, that imperious necessity, arising from the present state of society and manners, has rendered it impossible to execute the duties assigned to Constables in large and opulent communities, without resorting to stipendiary officers to a certain extent, and hence the propriety is obvious of selecting fit and able men, and such as are qualified *according to law*. A reference to the various multiplied duties, explained and detailed in the succeeding pages, points out this necessity *in the strongest colours*, to those to whom it is assigned, to appoint peace officers.

Wherever the same system, with regard to substitutes, applies to the principal cities and large towns in other parts of the kingdom, a similar caution is necessary; and as the principals, in all instances, are at least virtually understood to be answerable for any default or misconduct on the part of their deputies, such principals ought not to grudge a small additional expense to procure reputable and fit men to represent them: and, above all, to reject those who solicit such an office for a trifling premium, since such solicitation indicates a desire, on their parts, to avail themselves of the power with which it invests them, either to turn it into a rod of oppression, or to afford them the means of accepting bribes for *concealing offences*, or *compounding felonies*, or otherwise *extorting* or *receiving money* to omit names in their returns of persons eligible to serve *on juries*, or *in the militia*, or to screen publicans or others, from their just proportion of soldiers who ought to be quartered upon them; or to omit reporting disorderly ale-houses, bawdy-houses, illegal lotteries, and other nuisances.

When substitutes are less than half paid for *fair* and *honest labour*, which must at all events be performed in the course of the year, they must resort to undue means, in many instances, to make up the difference. The labour, particularly as it applies to the *militia returns*,* *to the billeting soldiers*, *juries*, *attendance upon the courts of justice*, and other *indispensable duties*, is so excessive, and occupies so much time, and requires so great a degree of

* The 244 Constables, in the different Divisions of Westminster, Holborn, and Finsbury, return annually above 70,000 names of persons eligible to serve in the Militia. In the Division of the Tower Hamlets and Southwark the number returned annually is probably more:—the labour of which, if conducted with probity and accuracy, must be allowed to be excessive: to illustrate which, the following summary view is given of the number of *Constables* and *houses*, and also the *population* of the different militia divisions and sub-divisions in the Metropolis, *viz.*

Divisions.		Constables.	Houses.	Population.
1st.	City of London	250	18,338	129,528
2d.	City and Liberty of Westminster	80	18,219	153,272
	Division of Holborn	96	21,815	175,820
	Division of Finsbury	83	10,939	73,268
3d.	Tower Hamlets, and Liberty	236	31,952	189,293
4th.	Southwark, and Vicinity	87	24,170	137,745
		832	125,433	858,926
Out Parishes in the Metropolis not included in the above Divisions		-	981	5,939
			126,414	864,865

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accuracy and attention, that no man can, with justice to himself, undertake this and the other indispensable duties of a substitute, for the common premium from 5l. to 10l. a year.

From the vast importance of the duty of a Constable, as explained in this Work, and from the great interest which the public at large must naturally feel, with respect to its due and proper execution; it is sincerely to be hoped that it may produce an improvement in the system, with respect to the choice of peace officers hereafter. It is of the utmost consequence to society, that they should be men of good moral character, and, in a certain degree respectable; and, were the remuneration for substitutes, more adequate, it is not improbable, when all the other advantages are considered, which are detailed in the following pages (and which, it is believed, were never, till now, before the public in the same collected view), that men of intelligence, who have preserved their integrity, under the frowns of fortune, would be found, who would offer themselves as substitutes, and who would devote their time and attention to the various duties of the office, and execute the same with zeal, accuracy, and probity.

From those, who serve in their own right, it is to be feared that little more can be expected than what is *indispensably necessary*, inasmuch as it is a duty of compulsion which is undertaken reluctantly, and executed to no extent beyond what is found to be unavoidable; and without any other object than to pass through their year without incurring penalties by omitting to do that which the law specifically requires, and which can, on no account, be left undone.

It is, therefore (with perhaps some exceptions), from police officers and respectable substitutes only, that vigour and energy in all the ramifications of duty are to be looked for, and therefore the improvement of the system with respect to Deputy Constables becomes a most important desideratum.

These observations apply to every populous community in the kingdom. Constables are the principal engines by which the laws are to be put in execution, and it is of the greatest importance that they should be *zealous*, *active*, and *efficient*. The object of this publication is to afford them an opportunity of understanding their duty without much trouble, by details which are, for the most part, familiar and easily understood, in as much as they are divested of technical phraseology, and calculated to make an impression on the mind, while, at the same time, they hold out a stimulus to exertion by means of the collected view which is given of the rewards for services performed, and the penalties which are attached to inattention and neglect of duty.

If what has been thus written and published shall produce the desired effect, and if, by a more select choice of peace officers, better instructed than at present, the morals of the people shall be improved, and penal offences diminished, the author will consider himself as amply rewarded, in the benefits which will thus result to his country.

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Explanation of the various Functions and Duties of a High Constable.

The functions of a High Constable have become so important and interesting, not only as they regard the peace and good order of society, but also with respect to his Majesty's army, marines, and the militia, as well as other modern duties hereafter to be explained, that the Justices in Sessions, to whom it is now for the most part assigned to choose this officer, cannot be too select with respect to the person to whom this important trust is to be confided. He ought not only to be a man of some substance, but also a person of intelligence, and of an irreproachable character, possessing *zeal, courage, firmness, prudence,* and *discretion.*

Specific Duties of a High Constable.

Respecting the Instruction and Discipline of the Petty Constables, &c.

I. The High Constable having the superintendance and direction of the Petty Constables, Headboroughs, and other Peace Officers in his hundred or division, his first concern ought to be (after they are chosen) to possess himself of a list of their *names, places of abode, and occupations,* distinguishing with accuracy the *principals* from the *substitutes.*—His next duty will be to inform himself with respect to the general character, powers, and abilities of each individual sworn into office, that in cases of emergency he may know upon whom he can place the greatest dependence. It will be further necessary at the first meeting to explain to the body at large, not only the great outlines of the duty they have pledged themselves to perform, but to point out the means of further instruction, and to urge the necessity of their losing no time in acquiring the necessary information to enable them to execute the duties of their office with credit to themselves, and with advantage to the public. And above all, to impress upon their minds that it is the peculiar and bounden duty of the High Constable to present all Petty Constables and other Peace Officers to the Court, who are remiss in their duty, or otherwise careless or inactive in repressing disorders, and in bringing to justice offenders within their respective districts, or neglectful with respect to the precepts of the High Constable, or immoral in their own conduct, or corrupt in the execution of any of the powers and duties which are assigned them to perform.

And that the public may know where to apply for a Constable on any emergency, it would be proper to instruct each Petty Constable, as soon as possible after he is sworn into office, to leave a card with his name and place of abode at every house within his constablewick, ward, district, precinct, or manor, &c.

Duty of the High Constable as it relates to Offences leading to the Corruption of Morals.

II. It is the duty of the High Constable, and indeed he is particularly required by his oath of office, to take cognizance of, and to present all offences within his hundred or division which lead to the *corruption of morals;* namely, *breaches of the Lord's Day, disorderly alehouses, drunkenness, profane cursing and swearing, bawdy-houses and brothels, lewdness and debauchery, venders of obscene and indecent pictures and books, gaming houses and illegal lotteries,* and disorderly *houses for music and dancing, not licenced by the Magistrates.* Also to apprehend, or cause to be apprehended, all persons committing breaches of the peace, and also idle and disorderly persons, and rogues and vagabonds, as described in the Act of 17 Geo. II. cap. 5, and other Acts; and further, on receiving a warrant from two or more Justices, to issue his precepts requiring the attendance of the Petty Constables and other Peace Officers within his division, to make privy search for rogues and vagabonds so described, that they may be dealt with according to law.—*See page* 1 *to* 10 *in this Treatise.*

Duty of the High Constable as it relates to the Prevention of Crimes and the Apprehension of Offenders.

III. It is further the duty of the High Constable to do his utmost to put the laws in force as they relate to the *prevention of crimes,* and the detection and apprehension of all persons in a course of criminal delinquency; and with this view to enforce, both by precept and example, the necessity of vigilance and activity on the part of the Petty Constables and other Peace Officers within his division; and also to instruct them as to the means of rendering their exertions in this respect efficient and beneficial to the public.—*See page* 11 *to* 17 *in this Treatise.*

Duty of the High Constable as it relates to Punishments.

IV. The High Constable, on receiving a precept from the Sheriff of the county, to assemble the Petty Conatables for the purpose of preserving the peace, and maintaining decency and good order during the execution of malefactors or the punishment of offenders, is bound to bring forward such civil force as the precept directs, and on most occasions it will be proper that he attends in person, to see that the Peace Officers do their duty.—*See page* 18 *in this Treatise.*

Duty of the High Constable as it relates to Courts of Justice.

V. The High Constable, on receiving the Sheriff's precept, is bound to summon such a number of Petty Constables and other Peace Officers as the said precept shall mention, to keep order, decency, and silence in the Courts of Justice, and also to attend

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occasionally in person to see that they do their duty; taking care however to issue precepts in regular rotation, that each Petty Constable may have an equal share of the duty.—*See page* 18 *and* 19 *in this Treatise.*

Duty of the High Constable as it relates to Jurors.

VI. In like manner it is the duty of the High Constable (where this duty is not performed by himself) to see that the Petty Constables in his division are punctual and regular in delivering in to the Court, at the Michaelmas Sessions yearly, true Lists of persons qualified to serve as Jurymen.—*See page* 19 *in this Treatise.*

Duty of the High Constable as it relates to Coroners Juries.

VII. It is further the duty of the High Constable, where the precept of the Coroner within his hundred or division is directed to him for the purpose of returning a Jury of Inquest, to obey the same punctually, according to the directions in *page* 19 *in this Treatise.*

Duty of High Constables as it relates to Elections.

VIII. In the event of *elections*, or *county* or *other meetings* called by the Sheriff, it is the duty of the High Constable punctually to obey his precept, and to assemble the whole of the Peace Officers in his hundred or division, or such number as may be required, and to attend with the said officers at the time and place appointed, for the purpose of preserving peace and good order.—*See page* 20 *in this Treatise.*

Duty of the High Constable as it relates to Mobs, Tumults, and Riots.

IX. In cases where tumults or riots are apprehended, or have actually taken place within the hundred or division, it is the bounden duty of the High Constable instantly to assemble the Peace Officers, for the purpose of preserving the peace, and apprehending the rioters; and on receiving a precept from the Sheriff or from two Magistrates, requiring the assistance of the High Constable and other Peace Officers to quell riots and tumults in any neighbouring division, he is bound to pay due obedience, and to proceed with his Petty Constables and other Peace Officers to the place mentioned, and there to do his utmost (by a proper arrangement of the force under his charge) to suppress the said riots, acting under the direction of such Magistrates as may be present, in apprehending offenders.*—*See page* 20 *in this Treatise.*

* By 40 Geo. III. cap. 78. An allowance is to be made to the High Constable out of the county rates for extraordinary expenses incurred in the execution of his duty, in cases of *tumult*, or *riot*, or felony.—*See page* 54 *in this Treatise.*

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Duty of the High Constable as it relates to Fires.

X. On the first notice of the calamity of fire within the hundred or division, it is the duty of the High Constable to assemble, as soon as possible, the Peace Officers within his jurisdiction, and to repair himself to the spot, and to follow the directions in page 21.

Duty of the High Constable as it relates to Fire-works and Gunpowder.

XI. On those occasions, where fire-works, rockets, and squibs are thrown in the streets, to the annoyance of the inhabitants of cities and towns, it is the duty of the High Constable to instruct the Peace Officers in his division to protect the public against the danger arising from such nuisances, and to bring the offenders to justice. Also to proceed against persons who keep a larger quantity of gunpowder than the law allows.—*See page* 21 *and* 22 *in this Treatise.*

Duty of High Constables as it relates to the Public Safety.

XII. The High Constable, among other duties, has it assigned to him to pay attention to whatever may relate to the security of the public against *injury* or *danger;* for this purpose it is incumbent upon him, when mad or furious persons, or lunatics, are wandering in the streets, (see 17 Geo. II. cap. 5, sec. 20,) or when idle and disorderly persons are driving cattle furiously, or hunting bullocks, or where offences are committed by persons driving carts or other carriages, or where nuisances exist in any shape within his division, to take measures, with the assistance of the Peace Officers, for the purpose of removing the danger, either by apprehending the persons, or prosecuting or presenting the offenders.—*See page* 23 *to* 27 *inclusive in this Treatise.*

Duty of the High Constable as it relates to unwholesome Provisions, and Weights and Measures.

XIII. It is the duty of the High Constable to present all persons exposing to sale unwholesome *meat*, *fish*, *butter*, *cheese*, *bread*, or other provisions within his hundred or division, or to proceed against the offenders in a summary way, in all cases where the Justices have legal jurisdiction. It is further his duty to take cognizance of false or deficient weights and measures; and to instruct the Petty Constables in their subdivisions to keep a watchful eye on all frauds of this nature committed on the public, with a view to bring the offenders to justice.—*See page* 28, 29, *and* 30 *in this Treatise.*

Duty of the High Constable as it relates to the Public Revenue.

The High Constable, although not specially called upon (excepting in some specific instances) to give his personal attendance

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in putting the laws in force, as they relate to the public revenue. Yet he is bound to inforce the due execution of the same, on the part of the Constables under his direction. Where gangs of smugglers infest the sea-coast, or any part of the country, or are found lurking or passing through his hundred, or division, he is bound to assist the Officers of His Majesty' Revenue, with the whole civil force of his district, and to attend in person when required, for the purpose of securing the offenders and the contraband articles in their possession.—*See page* 30 *to* 32 *in the Treatise.*

Duty of the High Constable as is relates to His Majesty's Forces.

XIV. Various Acts of the Legislature assign a particular duty to be performed by the High Constable, and inflict penalties where default is made with respect to the precepts to be issued to the Petty Constables, as directed by the laws relative to the Militia, (see p. 33); or as it relates to the quartering of soldiers, or to the provision of carriages for His Majesty's Forces on their marches, which makes it indispensably necessary, that as a greater degree of responsibility attaches to the High Constables with respect to the army, than to many other functions required to be performed by Constables, he should make himself master of the whole of the detail of these duties, that his superintendence may be rendered effectual in executing this important branch of the public service, as it may relate to those under his direction.

There is however one important duty as it respects the billeting of officers, soldiers, and marines, which rests with the High Constable alone; and which requires, on his part, great accuracy and attention, that the burthen may fall as equally as possible on those who are subject to quarter the military. As all orders for this purpose, at least in great cities and towns and populous districts, are addressed by the commanding officer to the High Constable, who usually sends his precepts to the Petty Constables, directing them to issue billets for a certain number of men to be quartered in each Constablewick: in order to do this with accuracy, the High Constable ought to have in his possession a correct list of all publicans and others, subject to quarter soldiers in each Petty Constables ward or district; and before he issues his precepts, he ought to apportion the whole *equally* throughout his hundred or division, unless some peculiar circumstances should render it necessary, in consequence of a representation from the commanding officer for reasons beneficial to the public service, to depart for a short time from the rule prescribed by law; which is, to "*Billet the "Officers and Soldiers equally and proportionally, according to the "number to be quartered, and of the houses subject to receive them;*" and particularly, that no precepts shall be issued "*for the delivery "of Billets for more men than are effective and present to be quartered.*" With a view to further information with respect to this branch of duty, and other directions respecting His Majesty's Forces in

general, all High Constables are particularly referred to *page* 33, 34, 35, 36, 37, 38, 39, 40, *and* 41, *in this Treatise.*

Duty of the High Constable as it relates to Seditious and Traitorous

XV. Every High Constable having in the course of his duty, frequent communications with the Petty Constables and other Peace Officers under his direction, it is absolutely necessary that he should urge them to be vigilant and attentive in discovering whether meetings for seditious or traitorous purposes are held in any house or place within their respective districts; and where a suspicion is excited, it is incumbent on every High Constable to exert himself (exercising all possible discretion and prudence) for the purpose of developing the whole circumstances upon which such suspicion is founded; and where there are just grounds to be apprehensive of any criminal design, no time should be lost in disclosing the whole to the acting Magistrates of the district, whose directions must afterwards be followed.—*See page* 42 *and* 43 *in this Treatise.*

Various Functions peculiar to Petty Constables explained in this Treatise.

XVI. It will be at least useful to every High Constable to know the various duties which are assigned in a more especial degree, to the Petty Constables and other Peace Officers, as they relate to *distresses and sale of goods, the execution of common and search warrants, abuse of power, escapes,* and the precautions which are necessary *in serving summonses;* and the more particularly, as all High Constables (if they will) are authorized to perform these functions: for an explanation of which, and also the duties assigned to Petty Constables who watch at the Watch-houses in rotation, *see page* 44, 45, 46, 47, 48, 49, 50, 51, 52, *and* 53 *in this Treatise.*

Licencing Alehouses.

XVII. It is the duty of the High Constable, on receiving an order from the Justices at the special meetings for Licencing Alehouses, to issue his precepts to the Petty Constables and other Peace Officers, requiring them to attend the Justices at the time and place appointed for Licencing the Alehouses, situated and being in his hundred or division, with a true list of all persons who have sold ale, beer, or other liquors, at any time during the preceding year in the said division; and also, such observations as a regard to truth, a Justice warrants such Petty Constables, &c. to make with respect to the conduct of the said publicans, as it may relate to keeping good rule and order in their houses during the year,* and how far they have conformed to the terms and conditions of their respective recognizances. And it is incumbent on the High Constable, personally to attend such special meetings of

* See Appendix, No. I.

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the Justices for Licensing Public Houses, not only to notice and to report such petty Constables, &c. as may be deficient in duty, or absent; but also to preserve regularity by bringing forward the publicans according to their parishes, that when approved by the Justices, they may enter into recognizance and receive their licences. And further, with a view to general superintendance, it is fit that every High Constable should posses himself of a list of all alehouse-keepers, their *signs*, &c. within his division. And when any disorderly conduct on the part of any of the said publicans falls within the view of the High Constable, or comes to his knowledge, it is also fit that he should make inquiry into the nature of the same; and when any thing tending to seditious or traitorous designs, or other offences against law is discovered, to lose no time in communicating such information as he may obtain to the Magistrates, that proper measures may be pursued for the purpose of averting the evil. In this, as in all other respects, great caution and circumspection are necessary; and it ought ever to be kept in view by all chief Constables, that most of the evils, which the law requires them to watch over and to repress, have their origin in ill-regulated public houses, conducted by profligate worthless alehouse-keepers, who by resorting to various devices (against which, in large societies, it is difficult to guard Magistrates) obtain licences for the worst and most mischievous purposes. *See page* 3 *in this Treatise.*

Land-Tax.

XVIII. It is the duty of the High Constable to obtain the duplicates of the assessments of the Land-Tax from the assessors, and to deliver in the same upon oath to the Justices assembled in Quarter Sessions.

Highways and Bridges, Nuisances, &c.

XIX. It is the duty of the High Constable to present all defects of highways and bridges, and the names of those who ought to repair them: also the common nuisances in the streets or highways, and likewise forestallers, regraters, and ingrossers, &c.

County Rate.

XX. The High Constable is required to collect the rates laid by the Justices in Sessions, commonly called the *County Rate*, within his hundred or division; and every Quarter Sessions, or oftener if required, to pay the sums so collected to the County Treasurer, whose receipts shall be sufficient.

The Act of the 12 Geo. II. cap. 29, sec. 2. Requires the High Constable, at such time as the Justices by their order in Sessions shall direct, to receive from the Church-Wardens and Overseers, the rates assessed by the said Justices on each parish or place, and to demand the same in writing, according to the following form:

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Middlesex. { To the Church-Wardens and Overseers of the Poor of the *Hundred*, *Township*, *Parish*, *Hamlet*, *Manor*, *Precinct or Place* (as the case may be.)

"By virtue of an Order from His Majesty's Justices of the Peace "in and for the said County, on their General Quarter Sessions "assembled, you are hereby required in thirty days time from "your receipt of this precept, to pay to me out of the money by "you collected, or to be collected, for the relief of the poor, the "sum of £ . being your proportion towards the general County "rate, for repairing Bridges and Gaols, the relief of prisoners "therein, and in the King's Bench and Marshalsea; for repairing "the Shire Hall, repairing and furnishing the House of Cor-"rection with the salary of the Keeper thereof, the Treasurers "salary, the Coroners fees, the charges concerning Vagrants, "Soldiers Carriages, convicting and transporting Felons and other "County charges, and herein you are not to fail at the peril that "shall ensue."

Given under my hand this day of

A. B. High Constable.

N. B. In the Counties of *York*, *Derby*, *Durham*, *Lancaster*, *Chester*, *Westmoreland*, *Cumberland* and *Northumberland*, by the 12 Geo. II. cap. 29, sec. 4. The Justices in Sessions may, if they think fit, order the sums assessed in name of County rate to be levyed by the Petty Constable, as above directed in such cases where no rate is made for the poor, and then such Petty Constables are to pay the money so collected by them, to the High Constable of the hundred or division, upon an order similar to the above.

By the same Act, the High Constable is required to deliver in a true account on oath (if required) before the Justices in Sessions of the money received by him; and if he neglects or refuses to demand or levy the said rates, or to account to the Justices, they may commit him to the common gaol until he shall cause such rates to be levied, and until he renders a true account; and if he retains money in his hands what ought to be paid over to the Treasurer, he may be committed until paid.

Expenses of Vagrants.

By the Act of the 17 Geo. II. cap. 5. The High Constable is to pay the Petty Constables, on an order from a Justice, the rewards for apprehending Vagrants, and on refusal, a fine of 20*s.* may be inflicted. But a subsequent Act of the 26 Geo. II. directs that the Treasurer of the County shall pay the same to the Petty Constables in all cases, where the High Constable has not sufficient money in his hands to pay the expenses of maintaining and conveying Vagrants, &c.

Levying Penalties.

XXII. By the 41 Geo. III. cap. 85. The High Constable, on receiving an account of fines or forfeitures inflicted by Justices,

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shall transmit an account thereof to the Petty Constables, for the information of persons within their Constablewicks who may be intitled to receive the same, that they may, on having due notice, apply to the resident Justice for the share, or shares, to which they may be intitled.

Expenses of the High Constable.

XXIII. The High Constable, it would seem, has the same claim to be reimbursed for his expenses as the Petty Constables and other Peace Officers in all cases, where they fall within any of the Legislative provisions detailed in the 53d, and 54th pages of this Treatise, (except the reimbursement of such expenses as are otherwise provided for by law.)—And as the duty performed, is arduous and gratuitous, they owe it to themselves to bring forward regularly all *bonâ fide* disbursements on account of the public, according to the circumstances of the case, with a view to such reimbursement of actual expenses as the law allows.

Abuse of Power.

XXIV. It is of the greatest importance that every High Constable should well understand the extent of the powers committed to him by law, that he may not, through ignorance or inadvertency, licence acts of Vagrancy, or sanction abuses which he is particularly called upon to suppress.

Wherever vulgar opinion, or erroneous practice in former cases, have led High Constables to suppose they may permit booths to be erected, or stages for mountebanks, or places to be opened for the theatrical representation of strolling players, they are now told that such permission is not only illegal and highly reprehensible in them; but that it is a permission which no Magistate has a power to grant, far less an inferior officer.

A High Constable therefore, who values his own character, and wishes to execute his office with reputation, and to screen himself from penalties, will carefully avoid every act tending to *an abuse of power.*

Conclusion.

If prudence, discretion, and a knowledge of the duty assigned is necessary with respect to the Petty Constables, it is still more so, if possible, as it relates to the High Constable, to whom they are taught to look up for advice and assistance. He ought, therefore, not only to show a good example, by a conduct exhibiting on every occasion the utmost prudence and discretion, but also, by a proper degree of zeal and activity in executing the important trust reposed in him.

It is thus that the public interest is to be promoted, and credit and honour acquired by meritorious and discreet officers, in accomplishing objects of the greatest importance to the peace and good order of Society.

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High Constable,—Oaths of Office.

By the Act of the 1 Geo. I. stat. 2, cap. 13. High Constables are required to take the oaths of allegiance, supremacy, and abjuration.—Originally, the oath of office specified all the ancient functions assigned to High Constables to perform; but while some of these have fallen into disuse, and are become obsolete, while new duties have been imposed in the progress of Society, it is not usual to comprehend the whole in an oath expressed in general terms, similar to that which is administered to the Petty Constables.

Oath of Office generally administered to all Petty Constables and Peace Officers, on their entering upon their Office.

"You shall swear that you will well and truly serve our Sove-
" reign Lord the King, in the Office of Constable for the (here
" mention the Constablewick), for the Year next ensuing, or until
" you shall be thereof discharged by due course of law:—You
" shall see the King's peace kept, and keep all such Watch and
" Ward as are usually accustomed and ought to be kept; and you
" shall well and truly do and execute all other things belonging
" to the said Office, according to the best of your skill and
" knowledge."

So help you God.

Appointment of a Deputy Constable for some specific Duty.

I, A B, Constable of C, in the County of D, do hereby make substitute and appoint E F, Yeoman, my true and lawful deputy, during my will and pleasure, for,—(here state the particular purpose.)

Given under my hand this day of
1803. A. B.

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INTRODUCTION.

THE present state of morals, and of criminal delinquency, rendering it of great importance that not only the laws now in being for the prevention and suppression of all offences injurious to society, and the penalties which attach to Constables and Peace-Officers for neglecting to put these laws into execution, *should be generally known;* but also that Directions particularly adapted to the metropolis and its vicinity (and applicable for the most part to the nation in general) should be published and circulated for the instruction of Officers of Justice that they may not pretend ignorance with respect to the important duties assigned them. Therefore, for their guidance and information in all matters, as they relate to the security of the public against moral, penal, and criminal offences, the following details are given of the specific duties incumbent on all Constables, Headboroughs, &c. to perform.

PART I.

Explaining the Duty of Constables as it relates to Offences leading to the Corruption of Morals.

SECTION I.

Constables to perambulate their Wards and Districts.

It is the duty of every Constable regularly to perambulate his ward or district, once at least in every twenty-four hours, to see that the laws are carried into effect, and that the Watchmen and Patroles perform their duty in the night time, for the purpose of preventing the commission of the offences hereinafter mentioned, and of protecting the peaceable inhabitants at all times against every species of injury, fraud, or depredation, and of checking and preventing those offences in particular which lead to the corruption of morals, and to the commission of acts of violence and crimes (1).

(1) *By* 13 *Eliz. cap.* 4. *Constables in every town are to cause a night watch to be kept to apprehend night walkers, and suspicious and disorderly persons, &c.*

By 14 *Geo.* III. *cap.* 90. *Constables in Westminster shall watch in the watch-house by turns alternately, according to a rota to be settled by the trustees, and shall dispose of, according to law, all such persons as shall be brought before them.*

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SECTION II.

Breaches of the Lord's Day.

It being too evident that many persons, destitute of all sense of religious duty, and forgetting the laws now in force for breaches of the Lord's Day, are found in a state of intoxication, or engaged in idle games and pastimes, or in keeping open shops, and working at their ordinary callings and trades, by the sale of *bread*, *butcher's meat*, *provisions*, *wearing apparel*, and other articles; and also work at mechanical employments on Sunday: It is the duty of Constables civilly to admonish all persons resident in their wards or districts, who have recently offended in this respect, to abstain from such practices in future; and in case they shall persevere, after a temperate admonition in the name and by the authority of the Magistrates, they are strictly enjoined to lodge informations against all offenders, and to be prepared with proper evidence to prove the offence, that the penalties of the law may be inflicted upon all who shall be legally convicted before the Justices (1). And further they are to lodge informations against all persons who shall be discovered *gaming*, *wrestling*, *dancing*, *shooting*, *bowling*, or amusing themselves in *idle sports* and *pastimes* on Sunday. (2) Also all carriers, or others, going with horses, waggons, or other carriages, and likewise drovers with cattle (3), butchers, higlers, or their servants, travelling on the Lord's Day; or boats or wherrys on the river Thames, save and except those allowed by act of Parliament, or by two Justices (4); or houses in Westminster open for public entertainment or amusement, where money is paid for admittance. (5)

(1) *By* 29 *Cha.* II. *cap.* 7. } *All laws in force relative to the Lord's*
By 10 & 11 *Wm. cap.* 24. } *Day shall be put in execution. Persons exercising their ordinary calling on that day, (except dressing and selling meat in victualling-houses and cook-shops, &c. and except works of necessity and charity, and the sale of milk and mackarel before divine service; excepting also* 40 *watermen, who may ply on the Thames betwixt Vauxhall and Limehouse.) Penalty* 20s. *and* 5s. *according to the offence committed; one-third to the informer.*

(2) *By* 1 *Cha.* I. *cap.* 1. *There shall be no concourse of people on the Lord's Day for any sport or pastimes, &c. Penalty* 3s. 4d. *for every offence, or the offender to be put in the stocks for three hours.*

(3) *By* 3 *Cha.* I. *cap.* 1. *No carrier, waggoner, carman, nor drover with cattle, shall travel on the Lord's Day pursuing their ordinary calling, under the penalty of* 20s. *for each offence.*

(4) *By* 29 *Cha.* II. *cap.* 7. *No drover, horse-courser, waggoner, butcher, higler, or their servants, shall travel or come to an inn or lodging on the Lord's Day, under the penalty of* 20s. *for each offence.*

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(5) *By* 21 *Geo.* III. *cap.* 29. *Within the limits of Westminster or the neighbourhood, any house opened upon the Lord's Day for public entertainment or amusement, shall be deemed disorderly; and the keeper shall forfeit* 200 l.; *the conductor of the entertainment* 100 l.; *and the door-keepers or servants who shall deliver tickets or collect money shall forfeit* 50 l.

SECTION III.

Disorderly Alehouses.

It is the duty of every Constable regularly to visit the respective alehouses within his ward or district once, (or oftener if found necessary,) in every week, to see that good rule and order are kept in the said houses; and particularly that the printed Rules and Orders to the different publicans are posted up in their respective bars, and that all that is enjoined in the same is strictly obeyed by them; that no unlawful games are permitted; that the labouring people are not suffered to lounge and tipple until they are intoxicated; that prostitutes and idle and disorderly persons are not harboured in such houses; that they are not kept open later than eleven o'clock at night; and particularly that no public house shall be kept open, or any tippling or drinking permitted, during divine service in the parish church on *Sunday*, *Christmas Day*, or *Good Friday*; but that the utmost decency shall be preserved on these days. And for the purpose of bringing all offences of this nature correctly before the Magistrates, every Constable should, in a book to be kept for the purpose, regularly note down all instances of disobedience to the Rules and Orders of the Magistrates on the part of any publican within his ward, with the day and date when the offence was committed, and he should produce the said book to the Justices at their Special Meetings held every six weeks for transferring licences, and also to the Magistrates sitting at the nearest Public-Office, once in every month, or oftener if the nature of the case shall require it. And that no Officer of Justice may pretend ignorance of the laws as they relate to his duty with respect to alehouses, and offences likely to be committed therein, of which it will be his business to take cognizance, and the penalties which may be inflicted upon him for neglect of duty, an abstract of the laws now in being, as they apply to offences of this nature, are here detailed (1).

(1) *By* 14 *Geo.* III. *cap.* 90. *If a publican harbours a watchman or patrole while on duty, he forfeits* 20s. *for the first,* 40s. *for the second, and* 5 l. *for the third offence.*

By 3 *Cha.* I. *cap.* 3. *Constables refusing to execute their duty by informing against offenders keeping alehouses without a licence, shall forfeit* 40s. *or be imprisoned until paid.*

By 26 *Geo.* II. *cap.* 31. *If a publican does any act to forfeit his recognizance, his licence becomes void, &c.*

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By 1 *James* I. *cap.* 7. } *If a publican permits tippling in his house, he*
By 1 *Cha.* I. *cap.* 4. } *forfeits* 10s. *for each offence.*
By 4 *James* I. *cap.* 5. } *Persons continuing in alehouses tippling and*
By 21 *James* I. *cap.* 7. } *drinking, and improvidently wasting their time, forfeit for each offence* 3s. 4d. *on the oath of one witness.*

Idem. Persons convicted of being drunk shall forfeit 5s., *on the oath of one witness, or shall be put in the stocks; and constables neglecting their duty therein shall forfeit* 10s. *for each offence; and for a second offence be bound to their good behaviour.*

By 7 *James* I. *cap.* 10. *Alehouse-keepers getting drunk, besides the penalties above mentioned, shall be entirely disabled from keeping an alehouse for three years.*

By 26 *Geo.* II. *cap.* 31. *Alehouse-keepers suffering gaming, or any disorder in their houses, shall forfeit their recognizances, and be disabled from keeping a public house for three years.*

By 30 *Geo.* II. *cap.* 24. *Every alehouse-keeper suffering any kind of gaming in his house, out-house, or premises, by any journeyman, labourer, servant, or apprentice, shall forfeit on conviction, on the oath of one witness,* 40s. *for the first offence, and* 10l. *for every subsequent offence; one-fourth part to the informer.*

By 11 *&* 12 *Will. cap.* 15. *Alehouse-keepers not selling liquors by the legal standard measures, shall forfeit from* 10 *to* 40s. *for every offence; one-half to the informer.*

☞ *Constables are bound to carry into execution and to enforce all the laws relative to alehouses.*

SECTION IV.

Drunkenness.

As the too prevalent habit of drunkenness among the lower classes of the people produce much misery and distress, both to themselves and families, exhibiting an evil example highly injurious to the rising generation, while this vice tends not only to the corruption of morals, but to the commission of many criminal offences, it is the bounden duty of all Constables to take every favourable opportunity of admonishing those persons who are particularly addicted to this evil habit; and to make known to them the punishment which may be inflicted on persons convicted of drunkenness. And also occasionally to make examples, by lodging informations against such as are incorrigible. Acting in this respect with all possible discretion (1).

Laws now in force respecting Drunkenness.

(1) *By* 4 *James* I. *cap.* 5. *All Constables, &c. shall be sworn to present the offence of Drunkenness: and if they neglect to punish the offender (when convicted) they shall forfeit* 10s.

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By 21 *James* I. *cap.* 2. *Every person who shall be drunk, and thereof be convicted before one Justice, on view, confession, or oath of one witness, shall forfeit* 5*s. for the first offence, and if not paid, shall be put in the stocks. Alehouse-keepers getting drunk forfeit their license for three years.*

SECTION V.

Profane Cursing and Swearing.

Profane oaths and swearing being a very prevalent vice highly injurious to good morals, while the practice holds out a shocking example to the youth of both sexes, it is the duty of every Constable to admonish those who are principally addicted to this vice, of the determination of the Magistrates to put the laws in force against them; and for the purpose of example, and without malice or partiality, where admonition fails, Constables ought to lay occasional informations against incorrigible offenders, using all possible discretion in this respect (1).

Laws now in force relative to Profane Swearing.

(1) *By the* 19 *Geo.* II. *cap.* 21. *Persons convicted of profanely cursing or swearing shall forfeit* 1*s.; if a labourer, soldier, or seaman,* 2*s.; if under the degree of a gentleman, or above the degree of a gentleman,* 5*s. The second offence double penalties (after the conviction of the first), and the third and every subsequent offence treble. Constables may seize offenders uttering profane oaths in their hearing, and carry them before a Justice, in which case he is required to prosecute; and if they neglect their duty they forfeit* 40*s.*

SECTION VI.

Bawdy Houses and Brothels.

From the extensive and growing corruption of morals arising from bawdy houses and brothels, where prostitutes and idle and disorderly persons assemble, it is the indispensable duty of every Constable to prosecute all such nuisances as may at any time be found in his ward or district: and it is proper that he should know that any neglect on his part in this respect, subjects him to a very severe penalty (1).

(1) *By the* 25 *Geo.* II. *cap.* 36. } *Constables neglecting to prosecute persons*
28 *Geo.* II. *cap.* 19. } *keeping bawdy houses on notice in writing by two inhabitants, paying scot and lot, shall forfeit* 20*l. All reasonable expences of the prosecution shall be paid by the overseers of the parish, ascertained by two justices.*

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SECTION VII.

Lewdness and Debauchery.

It is the duty of every Constable to suppress lewdness, as tending in the greatest possible degree to the corruption of morals. A Constable may with a search warrant enter any bawdy house, and arrest persons with lewd and disorderly women, who are to be carried before a justice to be bound to their good behaviour; and on information that men are gone to suspected houses with women of evil fame, in the night, Constables are authorized to follow them and carry them before a Justice, to find sureties for good behaviour. They are also authorized by the common law, to take up night walkers, and to carry them before a Justice to be bound to their good behaviour: but it has been held that they must be found, in some respect or other, guilty of a breach of the peace (1).

(1) 5 *Ed.* III. *cap.* 14. 13 *Henry* VII. *cap.* 10.

SECTION VIII.

Duty of Constables as it relates to lewd and obscene Books, Pamphlets, Ballads, Prints, and Pictures.

As nothing can tend in so great a degree to corrupt the morals of all classes of the community, but particularly the youth of both sexes, as *lewd and obscene books, pamphlets, pictures, prints,* and *other articles,* sold with a view to lewdness and debauchery, it is the bounden duty of every Constable to keep a watchful eye on foreigners and others exposing pictures on walls, and all other persons suspected of secretly disposing of any thing whatsoever, calculated to promote or encourage in any respect the corruption of morals within his ward, district, or constablewick, and when discovered, to give information thereof immediately to the Magistrate of the division or district, that measures may be pursued for bringing the offenders to conviction.—And it is further the duty of every Constable to detect and apprehend ballad-singers, in particular such as sing indecent, lewd, and seditious songs, in the public streets.—The mode of proceeding in all cases of indecent books, prints, &c. is by apprehending the parties on a warrant, to give bail to answer what shall be objected against them on a bill of indictment, which should be preferred at the Sessions.—The punishment for such offences is *fine, imprisonment,* and the *pillory.*

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SECTION IX.

Gaming, Lottery Insurance, Little Goes, and Club Lotteries, &c.

The evils to society arising from excessive gaming, particularly among the lower orders of the community, render it necessary that the attention of every Constable should be particularly directed to the detection of persons keeping *gaming houses*, *unlawful lottery offices for insuring tickets*, and *little goe*, and *club lotteries*, *raffles*, &c. by which the poor are cheated and plundered to an enormous extent. It becomes his duty to detect and bring to Justice all these nuisances in society, by employing every means for the purpose of discovering their haunts; and particularly those who may open houses or rooms for such illegal and mischievous objects, in his ward or district; and as often as he obtains any information in this respect, it is his bounden duty to communicate the same immediately to the Magistrates, that measures may be pursued for the apprehension, conviction, and punishment of the offenders (1).

(1) *By the* 12 *Geo.* II. *cap.* 28. *Every person keeping a common gaming house forfeits* 200*l. one-third to the informer. Every person playing (except he becomes an evidence) forfeits* 50*l. Every evidence refusing to appear when summoned forfeits* 50*l.*

By the 30 *Geo.* II. *cap.* 24. *Cards, dice, and every unlawful game is prohibited in licenced public houses.*

By the 9 *of Anne, cap.* 14. *Persons having no visible estate, profession, or calling, but who principally support themselves by gaming, may be bound to their good behaviour for twelve months, or committed to prison for want of sureties.*

By various Statutes. Lottery offenders are punished as rogues and vagabonds, and also by fine and imprisonment.

By the 42 *Geo.* III. *cap.* 119. *Persons setting up raffles or little goe lotteries, may be convicted in a penalty of* 50*l.*

By the 25 *Geo.* II. *cap.* 36. *Constables prosecuting gaming houses and other disorderly houses, on the requisition of two housekeepers paying scot and lot, are indemnified by the parish, and if they refuse, they forfeit* 20*l.*

SECTION X.

Disorderly Houses for Music and Dancing.

Every house, room, garden, or other place, kept for public dancing, music, or other entertainment of the like kind in London, or within twenty miles thereof, without legal authority, is declared to be a disorderly house. As such houses are, however, too frequently opened, and become the haunts of idle and debauched characters of both sexes, where much vice and wickedness prevail, and where youth and innocence are frequently ensnared and cor-

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rupted; it becomes the duty of every Constable where he discovers any such assemblies of idle and disorderly people in his ward or district, to give immediate information thereof to the Magistrates, that they may be dealt with as the law directs. (1)

(1) *By 25 Geo. II. cap. 25. The keeper of any unlicenced house, room, garden, or place, kept for public dancing, music, or other entertainment in London, or within twenty miles thereof, shall forfeit 100 l. to him who shall sue in six months. And the constable is bound under a penalty of 20 l. to prosecute, if required so to do by two housekeepers paying scot and lot; but he shall be allowed all reasonable expenses.*

PART II.

Explaining the Duty of Constables relating to Offences constituting Vagrancy, producing Idleness and Crimes.

SECTION XI.

Duty of Constables as it relates to idle and disorderly Persons.

By the Act of the 1 James I. cap. 4. Idle and disorderly persons are to be sent to the house of correction; and by the Act of the 17 Geo. II. cap. 5, and the 32 Geo. III. cap. 45 and 56, they are thus described:—

1st. *All persons who threaten to run away and leave their wives and children to the parish, or who spend their money in alehouses, &c. and do not allow sufficient for their families, by which they become chargeable to the parish.*

2d. *All persons who shall return to the parish from whence they have been removed, without a certificate.*

3d. *All persons who have not wherewith to maintain them, live idly without employment, and refuse to work for the wages given to other labourers.*

4th. *All persons begging or asking alms in the public streets, lanes, passages, or highways, &c.*

All such persons may be punished with imprisonment, for any period not exceeding one month; and the Justice, by a warrant under his hand, may order any Overseer where such disorderly persons are apprehended to pay 5s. to the Constable for his trouble in apprehending each.—In executing this duty, however, it will be prudent to admonish the parties before the law is put in execution, and where this has no effect, to carry the delinquents before a Magistrate.

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SECTION XII.

Duty of Constables as it relates to Persons declared to be Rogues and Vagabonds.

The Act of 17 Geo. II. cap. 5. } Declares the following de-
23 Geo. III. cap. 88. } scription of persons to be
42 Geo. III. cap. 119. } rogues and vagabonds within the intent and meaning of these respective statutes, viz.

1*st*. *Persons going about as patent-gatherers, or gatherers of alms, under a pretence of losses by fire, or other casualty.*
2*d*. *Persons going about as collectors for prisons, gaols, and hospitals.*
3*d*. *Fencers.*
4*th*. *Bearwards.*
5*th*. *Common players of interludes, or stage players not authorized by law.*
6*th*. *Minstrels (except those licenced by the Lord of Dutten in Cheshire.)*
7*th*. *Jugglers.*
8*th*. *Gypsies, wandering in the habit and form of gypsies.*
9*th*. *Persons pretending to have skill in any crafty science, or fortune-tellers, or using any subtle craft to deceive.*
10*th*. *Persons playing, or betting at any unlawful games or plays.*
11*th*. *Persons running away, and leaving their families to the parish.*
12*th*. *Petty chapmen and pedlars, wandering abroad without a licence.*
13*th*. *Persons wandering abroad, lodging in barns, outhouses, and in the open air, and not giving a good account of themselves.*
14*th*. *Persons pretending to be soldiers and seamen, wandering and begging without proper certificates, or some testimonial from the* War-Office, Admiralty, *or a* Magistrate.
15*th*. *All persons having any implement of housebreaking or offensive weapon, with a felonious intent.*
16*th*. *All persons of evil fame, or reputed thieves, in the avenues of places of public resort, or in the streets or highways, with an intent to commit felony.*

It is the duty of all Constables to keep a watchful eye on the above description of persons, and to bring them before the Magistrates, to be dealt with according to law; but when the case (except in the two last) will admit of a delay without the hazard of escape, it may be prudent previously to apply to the Magistrate acting for the district, and to receive his instructions.

Incorrigible Rogues and Vagabonds.

This is considered as a higher and more atrocious species of vagrancy, and the offences are thus described:—

1*st*. *Persons offending against the* 13*th Geo. II. cap.* 5, *called* End Gatherers.
2*d*. *Persons apprehended as rogues who have escaped from the persons apprehending them, or who refuse to go before a Justice to be*

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examined, or who give a false account of themselves after warning given of their punishment.

3d. *Rogues and vagabonds who escape from prison.*

4th. *Rogues and vagabonds who, after being once punished, shall again commit the same offence.*

REWARDS.

The reward for apprehending rogues and vagabonds is 10s. by an order of a Magistrate on the High Constable; and if a Constable shall refuse or neglect to do his duty by apprehending such offenders on being charged by any Justice so to do, he shall forfeit 10s. for every refusal or neglect.

It is the duty of Constables also, when they receive a pass and certificate for any vagrant, to convey the person according to the direction of the pass which shall accompany the said vagrant.

PART III.

Explaining the Duty of Constables as it relates to Assaults, Affrays, and Breaches of the Peace.

SECTION XIII.

It is the indispensable duty of every Constable, where his services and authority are required, to quell affrays, and to preserve the peace, to repair immediately to the spot and to apprehend the affrayers.—In such situations, however, great presence of mind and discretion are necessary.

By the common law, all Constables are authorised "to command "affrayers to keep the peace, and to depart."—They may even break into a house where there is an affray, to keep the peace.—In this respect the law has armed Constables and officers of justice with great powers, as well for their assistance as for their own safety and protection.

Constables may command all persons to assist them to prevent a breach of the peace, and they will be justified in repelling force by force, although sharp weapons ought never to be used excepting in cases of defence, and gentle means are always to be preferred to violence.

Opposition to a Constable in the execution of his duty is always severely punished; and what the law would deem manslaughter when committed on another person, would be considered as murder in case of the death of a constable in the execution of his duty.

Constables are authorised to arrest any person without a warrant, committing a breach of the peace by striking or wounding another in his presence.

When a Constable has information of any intended fight or

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boxing match within his *constablewick* or *parish*, or in the *neighbourhood*, it is his bounden duty to inform the nearest Magistrate thereof, and to obey the directions given to himself and the others, to repair to the spot for the purpose of preventing affrays, and apprehending all persons committing breaches of the peace; and of conveying the offenders and their abettors as soon as may be, before a Magistrate, to be dealt with according to law.

PART IV.

Explanation of the Duty of Constables as it relates to the Prevention *of Crimes, and the* Detection, Apprehension, Prosecution, *and* Conviction *of criminal Offenders; with a Detail of the Rewards granted in certain Cases of Conviction, and also with respect to Punishments.*

SECTION XIV.

Duty of Constables as it relates to the Prevention and Detection of criminal Offences.

All Constables are bound to exercise every possible degree of vigilance and attention in putting the laws in force, as they relate to the prevention and detection of criminal offences.—With this view, they ought to use their utmost endeavours to discover whether any reputed thieves, or idle or disorderly or suspicious characters are residing in, or lurking about, their wards or districts; and not only to keep a watchful eye upon their conduct and proceedings, but to give notice to the Magistrates of the division of the names of the persons, and the ground of their suspicions.

It is particularly the duty of all Constables to keep an eye on the houses of *known or suspected receivers of stolen goods, old iron shops, dealers* in *old cloaths, rags,* and *second-hand furniture* and *old ship's stores, hand stuff, old book shops,*(1) &c.; and also all others who are suspected to derive the whole or any part of their living by acts of criminality; and with this view to perambulate the ward or district after dark, and to stop, apprehend, search, and secure all suspicious persons carrying *loads, bundles,* and *parcels,* or conveying goods in carts or carriages at late hours in the night; and where a satisfactory account is not given of such goods being fairly obtained, and a strong suspicion is excited that they were unlawfully obtained, then to detain such suspicious persons and goods until they can be brought before a Magistrate. Among others, *itinerant Jews crying bad shillings*

(1) *Cheesemongers and others buying old books for wrapping paper, should be cautioned against receiving mutilated books from unknown persons, as many libraries are pillaged, and valuable books stolen and sold by weight for a trifle.*

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ought to be apprehended, and a watchful eye kept on *costermongers, jack-ass drivers, and persons crying rabbits and wild fowl,* who frequently utter base money, as well as *few boys* exposing *oranges, prawns,* and *trinkets* for sale in the public streets; also *duffers* who pretend to sell cheap waistcoats, &c. with a view to commit frauds on the ignorant and unwary.

Suspicious persons lurking about inn yards on the arrival of coaches, and about areas after dark, or lounging in squares, streets, lanes, or passages, &c. apparently with a view to steal the iron rails, or to break into houses, ought to be apprehended and instantly searched, to discover whether they have any *pick-lock keys, crows,* or *other implements* of *housebreaking;* and in all cases such suspicious persons are to be apprehended, and the articles found upon them secured, *for* the purpose of being dealt with according to law.

In like manner, with a view to the prevention of crimes, Constables are authorised (as before mentioned) to apprehend all reputed thieves in the avenues to public places, or in the public streets or highways, with an intent to commit felonies.—And where suspicious characters, although not immediately known to be of evil fame, attempt to hustle in the streets, or to do some act whereby a crowd may be collected, it is the duty of every Constable who may be passing at the time to demand the assistance of the well-disposed by-standers, and apprehend the suspected persons.—On such occasions, a Constable must not be deterred although he is alone, because every person who refuses assistance is liable to be indicted and punished, after he makes it known that he is an officer of justice, *and* demands assistance.

No dealer in *old iron or metals* can legally keep their doors or windows open after sun-set or before sun-rise, for the purchase of any article in their trade.—It will be of great service to the public, with a view to the prevention of criminal offences, if Constables in their respective wards and districts would frequently admonish the respective dealers in *old metals, old cloaths, rags, furniture,* &c. of the extreme peril of purchasing goods from unknown or suspected persons, and of the certainty of transportation for 14 years if they are detected and convicted.—In this way *thieves are embarrassed, the unwary are to be forewarned, the hands of evil doers arrested,* and criminal offences thereby prevented.

Persons letting out lodgings should also be frequently cautioned to mark their beds, linen, &c. with their names, by using a liquid that will not wash out, to prevent profligate lodgers from pawning and selling the same; and to put pawnbrokers and others upon their guard against receiving such articles.

DUTY OF WATCHMEN EXPLAINED, AS IT RELATES TO THE DETECTION OF OFFENDERS.

As a further means of preventing, and particularly in detecting crimes, it is fit that all Constables should obtain from the clerk of the watch trust of the parish by an application to the trustees, a

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copy of the printed instructions to watchmen, and that they should, at least occasionally, see that they perform their duty according to those instructions.—That they do not lounge in public houses.—That publicans who serve them with liquor should be prosecuted to conviction by the Constables before the Magistrates: and above all, that watchmen are admonished to keep an eye (within their beats) on all hackney coaches or carts, loading or removing goods under suspicious circumstances in the night; and that foot passengers with loads or bundles (1) be searched and carried before the Constable of the Night for examination, and to be detained, if there is any suspicion of such goods being stolen or unlawfully obtained, until the persons and the articles detained can be brought before a Magistrate in the morning. Watchmen should be cautioned also to keep an eye on all suspicious persons lurking about houses or areas, &c. during the hours when they are on duty; and it is also the duty of the officer of the night frequently to call their attention to such suspicious persons, who ought to be apprehended, and *instantly searched*, to discover whether they have *fire-arms, cutlasses, dark lanterns, crows, picklock keys, or other implements of housebreaking;* and all such suspicious persons ought to be conveyed to the watch-house to be examined by the officer of the night, and detained for a hearing before the Magistrates, unless the clearest proof is brought forward that the parties apprehended had no evil intention, and that no implements are found upon them, or dropt near where they were apprehended, or in the course of pursuit, in cases where they attempt to escape.

(1) *The Act of the 22d Geo. III. and other subsequent Acts, authorises all* peace officers *and* also watchmen while on duty, *to stop and search all suspicious persons conveying goods after dark, and to detain the persons and goods, (if the suspicion is not completely removed,) until they can be brought before a Magistrate.*

SECTION XV.

Duty of Constables as it relates to the Detection and Apprehension of Persons who have committed criminal Offences, denominated Felonies.

When a Constable is called upon by any person to search for and apprehend any delinquent charged with a felony, it is his duty immediately to obey, and to use his utmost endeavours to apprehend the party or parties suspected, without waiting for the warrant of a Justice, and if necessary he may command the assistance of all by-standers, and make hue and cry after the felon —for *any person may seize a felon.*—And if a prisoner resists and refuses to yield, those who arrest will be justified in beating him,

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or even killing him; but no prudent Constable will go beyond that point of discretion which is necessary to secure the person accused.—In pursuit of a felon, a Constable (having previously declared his authority) is authorised to break open doors. By the 8th Geo. II. cap. 16, a Constable who neglects making hue and cry when necessary to the apprehension of a felon, forfeits £5.—In this pursuit Constables may search suspected houses, if the doors be open; but unless the felon is actually in the house, it will not be justifiable to use force, nor even then, except when admittance has been demanded and refused.

In the execution of the warrant of a Magistrate, the Constable is certainly authorised to break open the doors of the felon, or the house of any person where he is concealed.—The first is lawful under all circumstances; but forcibly entering the house of a stranger may be considered as a trespass, if the felon should not be there.

It is the duty of all Constables to search every person charged with felony the moment he, she, or they are secured, and to detain *money*, *watches*, *pawnbrokers' duplicates*, and every other article, until the prisoners can be brought before a Magistrate, when the articles so detained are to be produced.

It is also their duty wherever any clue can be discovered for the recovery of the property stolen, to lose no time in obtaining possession of it, and where this cannot be legally effected without a search warrant, application should be made to a Magistrate for proper authority to search in the day time.—Much depends in cases of this nature on the prudence, vigilance, and activity of the Constable to whom such duties are assigned—a knowledge of the house or lodging of the *felon*, or the *girl* or *woman* with whom he cohabits should be obtained, and her residence should be searched, and her pawning duplicates secured.—The residence of the person who washes for the delinquent, and the houses of his relations and intimates should also be known, and the public houses likewise where he chiefly resorts, with a view to the discovery of the articles stolen, and of his associates in criminality, and particularly any known receiver of stolen goods who may have at any time been seen in his company.

An active and intelligent officer, on apprehending a delinquent, will look forward to every means of obtaining a conviction, by rendering the evidence as complete as the nature of the case will admit—and he will be zealous and indefatigable, until such evidence is obtained.

In detecting and apprehending persons charged with coining base money, and other offences against the Mint laws, great caution is necessary; and where informations are received which will admit of a short delay, it is safest to act under the immediate instruction and authority of a Magistrate,—or to apply to the Solicitor to the Mint.

Under the word Felony is comprehended (among other crimes)

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the various offences of *murder, rape, sodomy, bestiality, bigamy, stealing an heiress, arson or burning houses, destroying or burning ships, piracy, burglary, or housebreaking, housebreaking in the day time above 5s. shop-lifting above 5s. highway robbery, robbery of the mint, picking pockets above 1s. value, stealing above 40s. in any house, stealing above 40s. in any river or a ship in distress, stealing goods from bleach or tenter grounds, stealing horses, cattle, or sheep; stealing bonds, bills, or bank notes; stealing bills and bank notes from letters, forgery of deeds, bonds, bills, notes, &c. bankrupts not surrendering, shooting at a revenue officer, stabbing a person unarmed, if he die in six months; maiming or killing cattle maliciously, concealing the death of a bastard child, maiming or disfiguring any person maliciously, sending threatening letters, rioters not dispersing in an hour after proclamation, pulling down houses and churches, breaking down fish-ponds, cutting down trees in avenues and gardens, cutting down river or sea banks, cutting hop-bands, setting fire to coal mines, counterfeiting the gold and silver coin, uttering counterfeit money, third offence; taking a reward for helping another to stolen goods in certain cases, returning from transportation, embezzling government stores, servants purloining their master's goods above 40s. smuggling by persons armed, destroying turnpikes, bridges, gates, &c. mutiny and desertion, soldiers enlisting into foreign service, sacrilege, &c. &c. &c.*—All these offences are called *Double Felonies*, and subjecting the delinquents to the punishment of death when convicted.

Under the word *Single Felony*, not subject to the punishment of death, is comprehended (among other crimes) *the various offences of stealing, not otherwise distinguished; receiving or buying stolen goods, ripping and stealing lead and other metals, or receiving the same; stealing from furnished lodgings, stealing letters, &c. stealing roots, trees, or plants; stealing fish from a pond or river, stealing children with their cloaths, stealing a shroud out of a grave, embezzling naval stores in certain cases, assaulting with an intent to rob, assaulting and cutting or burning cloaths, setting fire to underwood, cutting and stealing timber trees, counterfeiting copper coin, bigamy, or marrying more wives or husbands than one; marriage solemnized clandestinely, manslaughter, or killing another without malice, watermen carrying too many passengers on the Thames, if any drowned, &c. &c. &c.*—which offences having the benefit of clergy, are punishable by transportation, whipping, imprisonment, the pillory, or hard labour in houses of correction.

There are other offences denominated *Misdemeanors*, where the delinquent charged cannot be apprehended safely by a Constable unless he holds a warrant from a Justice. The principal of these are, *conspiracies, cheating, swindling, robbing orchards and gardens, stealing cabbages, turnips, &c. stealing deer in forests, stealing dogs, cutting and stealing wood and trees, embezzling goods in the woollen and silk manufacture, &c. combinations and conspiracies for raising wages, offences by artificers and servants in various trades, setting*

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fire to a house to defraud the insurers, making and selling fire-works and squibs, uttering base money, and selling it under its denominated value; smuggling, and frauds on the revenue; keeping gaming houses, bawdy houses, &c. assaults and battery, and breaches of the peace, stealing dead bodies, &c. &c. (1)

(1) *In cases where a gaoler refuses to receive a felon, or one suspected of felony, the Constable may secure the prisoner in his own house, and the town or place where he was apprehended shall be chargeable for keeping him till the gaol delivery; and the gaoler shall be punished,* 3 *James I. cap.* 10. 4 *Ed. III. cap.* 10.

SECTION XVI.

Duty of Constables as it relates to the Prosecution of Offenders.

After a Magistrate has committed an offender for trial, and bound over the parties to prosecute, and give evidence, it is the duty of the Constable who apprehended the delinquent to give his utmost assistance to the prosecutor with respect to *the mode of laying the indictment*, the *proceedings before the Grand Jury*, and in bringing forward the witnesses to find a Bill; and also to appear at the trial, that the offender may not escape justice for want of a due attention to the requisite forms, or by the want of proof necessary to conviction. As prosecutors in many instances are unable to employ attornies, and are ignorant of the mode of complying with the conditions of their recognizances, and of the time when they ought to prefer an indictment and go before a Grand Jury, and afterwards to prosecute the same with effect, it is usual for the Constable who apprehended the prisoner to give the proper notices, and to attend the prosecutor and the witnesses, that the recognizances may not be estreated, and public justice defeated.

SECTION XVII.

Allowances and Rewards to Constables and others, who prosecute Offenders.

In all cases where the circumstances of the parties prosecuting or giving evidence are such as not to enable them to defray their own expenses, on an application to the Judge (except at the General or Quarter Sessions) they are not only, in most cases, allowed their actual expenses; but a further sum for time lost in attending the trials, whether there be a conviction or not.—And besides this, certain rewards are allowed by various acts of parliament, where convictions take place, to those who have prosecuted and contributed to the same, of which, for the information of all prosecutors, witnesses, and Constables, the following is a specification.

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REWARDS ON THE CONVICTION OF PERSONS FOUND GUILTY OF CERTAIN OFFENCES.

1. Highway robbery. *Apprehending and prosecuting to conviction, for each felon*	*From the Sheriff* - £40 0 *From the hundred* - 10 0	£50 0
2. *Burglary - ditto - ditto - ditto - ditto*	*From the Sheriff* - £40 0 *A Tyburn ticket, worth* 10 0	£50 0
3. *Housebreaking in the day time - ditto - ditto - ditto - - ditto ditto -*		50 0
4. *Counterfeiting gold or silver coin of the realm - ditto - ditto - - - - -*		40 0
5. *Counterfeiting copper coin - - ditto - ditto - ditto - - - - -*		10 0
6. *Stealing from any shop, warehouse, or stable, above 5s. ditto - ditto - A Tyburn ticket, worth -*		10 0
7. *Horse stealing - ditto - ditto - ditto - ditto - - - - -*		20 0
8. *Stealing cattle or sheep ditto - ditto - ditto - ditto - - - -*		10 0
9. *Compounding a felony, by taking money to help a person to stolen goods without prosecuting and giving evidence - ditto - - - - -*		40 0
10. *Wounding and killing a revenue officer - ditto - ditto - - - -*		50 0
11. *Certain offences under the Black Act - ditto - ditto - - - - -*		50 0
12. *Persons returning from transportation - ditto - ditto - - - -*		20 0
13. *Persons embezzling the King's stores, prosecuted before Justices in petty Sessions - - -*		20 0
14. *Apprehending deserters from the army - - - - - - -*		1 0
15. *Apprehending rogues and vagabonds - - - - - - - -*		0 10
16. *Apprehending idle and disorderly persons - - - - - - -*		0 5

SECTION XVIII.

Duty of Constables as it relates to the Punishment of Offenders.

All petty Constables, on the precept of the Sheriff directed to the Constable, are bound to obey his summons to attend *executions*, the *pillory*, or the whipping of offenders, according to the punishment they may be adjudged to suffer.

When called forth to attend the last moments of expiring criminals, it is the peculiar duty of every Constable or peace officer to keep up the solemnity of the awful scene, by endeavouring to suppress all indecent behaviour in the spectators, that the example may operate according to the intention of the law, by exciting a dread of, and thereby preventing and lessening atrocious crimes, and not merely to gratify idle curiosity.

It is further the duty of every Constable, summoned to attend while an offender is standing in the pillory, to do his utmost to preserve the peace, and to prevent all outrage or violence towards the offender from taking place, and to keep in view that the pillory is a punishment of great and lasting infamy, by the ignominious exposure of the delinquent, and not intended for personal suffering, according to the will or unrestrained licence of a turbulent populace.

By inflicting the punishment of whipping publicly, the Constable should ever keep in view that the law is executed in this, as in all other chastisements, as an example to others to abstain from criminal offences, and not out of resentment to the delinquent who suffers.—This unpleasant duty should therefore be executed so as to make a proper impression on those who witness the punishment, without exercising a greater degree of severity than is necessary to obtain that object.

PART V.

Explaining the Duty of Constables as it relates to Courts of Justice, and to Juries,—and to the Coroner.

SECTION XIX.

Duty of Constables as they relate to the Courts of Session and Assize, and to Juries.

It is the duty of every petty Constable to attend the Courts of Session and Assize, on the summons or precept of the High Constable or Bailiff of the hundred, to preserve order, decency, and silence in the Courts of Justice, so that the proceedings may not be interrupted or disturbed; but that the utmost quietness may

prevail at all times, and that all due respect may be shewn to the Judges and Magistrates, who in cases of negligence or inattention whereby any obstruction to the proceedings of the Court takes place, may punish all Constables at their discretion who are careless or inattentive to their duty, or who absent themselves and frequent public houses when their duty requires their attendance in the Justice Hall.

SECTION XX.

Duty of Constables as they relate to Jurors.

By the Act of 7 and 8 William, cap. 32, every Constable is bound at the Michaelmas Sessions yearly, (if not done by the Constable of the hundred,) to deliver in, in open Court, a true list in writing, containing the names and places of abode, with the designation or titles of all persons within his constablewick between 21 and 70 years of age qualified to serve as Jurymen.—Namely, such persons as have in their own names or in trust for them, within the same county where the issue is to be tried, £10. a year, of freehold or copyhold lands, or £20. a year leasehold.—Which list must be signed in the presence and verified upon oath before a Justice, who must attest the same before it is produced in Court; and the Constable is further required to put up a copy of the said list on the church door of his parish.

In executing this trust, every Constable ought to recollect that he swears "*that it is a true return of all persons eligible to serve.*" It becomes therefore a sacred duty on his part to omit no person from favour or affection, or from any unjustifiable or corrupt motive, that the best and fittest men may be selected for Juries.

SECTION XXI.

Duty of Constables as it relates to Coroner's Juries.

It is the duty of every Constable, in cases of murder, manslaughter, or sudden death, rendering an Inquisition necessary, to give notice of the same to the Coroner as soon as it comes to his knowledge, and also on receiving his precept to return a competent number of lawful men, within the constablewick or district, to appear before him, at the time and place stated in the said precept, for the purpose of making an Inquisition touching the matter respecting which the Jury is assembled. (1)

It is further the duty of all Constables to execute any warrant or warrants of the Coroner, issued by virtue of his office, for apprehending persons charged on suspicion of murder, or other offences, as they may relate the deceased person respecting whom Inquisition is taken.

(1) 4 *Eliz.* 1, *statute* 2.

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PART VI.

Explaining the Duty of Constables as it relates to the Security of the Public against Danger, Calamity, and Injury to the Property or the Person of Individuals.

SECTION XXII.

Duty of Constables at it relates to Elections or popular Meetings.

On being required by a precept from the High Constable to attend any Election or popular meeting, it is the duty of every Constable to attend at the place, and punctually at the hour mentioned in the said precept, and to do his utmost to preserve peace and good order.—In cases of election the voters, without partiality, are to be assisted and protected in proceeding to the poll, and also in their return from the hustings.—At every popular meeting legally assembled, every exertion must be used to prevent affrays and breaches of the peace, and all offenders in this respect are to be apprehended and carried before a Justice, to be dealt with according to law.

SECTION XXIII.

Duty of Constables as it relates to Mobs, Tumults, or Riots.

The instant a Constable hears of any *unlawful assembly*, *mob*, or *concourse of people* being assembled for any purpose likely to produce danger or mischief within or near his district or constablewick, it is his bounden duty to give notice thereof to the nearest Justice, and to repair instantly to the spot with his long or short stave, and there to put himself under the direction of such Magistrate or Magistrates as may be in attendance.—He is to do his utmost to assist and protect the Justices in dispersing the said mob or unlawful assembly, and instantly to secure and apprehend all persons guilty of breaches of the peace, or of felonies by pulling down, or injuring the property of any of his Majesty's subjects, and all other persons who commit acts of felony, by remaining (to the number of twelve or more)(1) one hour after proclamation to disperse, by reading or pronouncing the charge contained in the Riot Act, and the offenders so secured are to be carried before a Magistrate, to be dealt with according to law.—Non-attendance, without a lawful excuse, on the part of Constables in cases of public tumult and danger, subjects them to fine or imprisonment on conviction, according to the sentence of the Court.

(1) *See 1 Geo. I. stat. 2. cap. 5.*

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SECTION XXIV.

Duty of Constables as it relates to Fires.

On the first notice, either by day or in the night time, of a fire or fires breaking out in any house, building, or place within the district, division, or constablewick where any Constable serves, it is his indispensable duty, and also the duty of the Beadles, and they are required by the Act of 14 Geo. III. cap. 78, to repair to the spot with their staves, and to give their utmost assistance towards extinguishing the fire by exciting others to work, and likewise to prevent the depredations which are most inhumanly committed in such seasons of distress.—And further, it is the duty of all Constables and Beadles, where offenders are detected in feloniously removing property unavoidably exposed, to apprehend and secure them, and to carry them before a Magistrate with the goods found in their possession, with a view to their being prosecuted to conviction.

On such occasions, the vigilance, activity, and good conduct of officers of justice seldom fail to meet with a due reward, independent of the satisfaction arising from a good and praise-worthy action; while negligence, inactivity, or connivance at plunder, when discovered, must produce infamy, disgrace, and punishment.

SECTION XXV.

Duty of Constables respecting Fire-works, Rockets, Squibs, &c.

As infinite danger arises from letting off squibs, rockets, and other fire-works, and also by firing guns, pistols, and other fire-arms in the public streets, and likewise of late by letting off fire balloons, it is fit that all Constables should be apprised that it is their indispensable duty to apprehend all delinquents offending in this respect *on any pretence whatsoever*.

To prevent such nuisances so hazardous with respect to fires, and also with respect to personal injury by throwing squibs and other fire-works into houses, shops, coaches, and among crowds of persons assembled in the streets, the legislature by the Act of the 9th and 10 of William, cap. 7, has subjected the makers and sellers of fire-works to a penalty of £5.—Persons permitting the same to be cast or fired from their houses or places into any public street, road, or other place, forfeit 20*s*. for each offence; also all persons who cast or fire squibs or other fire-works into any public street, road, lane, court, passage, or house, &c. forfeit the like sum of 20*s*. and if the offenders (throwing in the streets) do not

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immediately pay the penalty, they are to be committed to the house of correction.

On all rejoicing nights, it is the duty of every Constable to be vigilant and active in apprehending delinquents offending within his ward or division, and thereby to secure the peaceable inhabitants, and others passing in the streets from the danger arising from such nuisances.

SECTION XXVI.

Duty of Constables as it relates to Gunpowder lodged in Houses and Shops, and in greater Quantities than the Law allows.

As considerable danger is to be apprehended, especially in large cities, where gunpowder is lodged in *houses*, *shops*, or *places* where, from the quantity deposited, a conflagration might be fatal to the surrounding premises, and dangerous to the inhabitants, the Legislature has wisely provided by the Act of 12 Geo. III. cap. 61, that no person being a dealer in gunpowder shall keep more than 200 pounds, and not being a dealer, more than 50 pounds, in London and Westminster, or within three miles thereof, in any house, warehouse, shop, cellar, yard, wharf, or place, or in vessels or boats in the river, (not in transit, and covered according to law,) on pain of forfeiting the gunpowder beyond the quanity allowed to be kept, and 2*s*. for every pound beyond such allowed quantity: and Justices are authorised, on a reasonable cause assigned, to issue warrants to search and to convict offenders,—penalties half to the King and half to the informer or party contributing to the conviction, besides the whole of forfeited powder.

It is the duty of every Constable to warn all dealers in gunpowder in his ward or district of the penalties which they incur by keeping a larger quantity than the law allows; and where the public safety is endangered by offences of this nature, it is of importance that the party or parties persevering in a line of conduct so hazardous to themselves and their neighbours should be prosecuted.—The offence is cognizable by two Justices.

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SECTION XXVII.

Duty of Constables as it relates to the public Safety with respect to Lunatics and furious and insane Persons wandering abroad.

By the Act of 17 Geo. II. cap. 5. Furious persons, and lunatics wandering abroad are to be apprehended by the Constables, churchwardens, or overseers, and may be confined by a warrant of two Justices, and delivered over to the relations, if a person of rank or condition; but if a vagabond lunatic, to be sent to the last legal settlement by a pass, (properly guarded,) and there to be locked up, by a warrant of two Justices acting for the district or place where the said lunatic shall be settled.

It is therefore the duty of Constables to secure all mad, furious, or insane persons, wandering abroad within their wards or districts; and humanity, not less than the public safety, require that this duty should be executed in the most prompt and speedy manner, and with every attention to humanity, as it respects the insane person.

SECTION XXVIII.

Duty of Constables as it relates to the public Safety with respect to the hunting of Bullocks, and furiously driving Cattle in the public Streets, and on the Highways round the Metropolis.

The evil propensity discovered by idle and disorderly persons in hunting bulls and bullocks in the streets of the metropolis, to the great annoyance and imminent danger of the inhabitants, excited the attention of the Legislature in the year 1774, who, with a view to prevent this dangerous nuisance, Enacted,

By 14 *Geo. III. cap.* 87. "*That every person who by negligence or ill usage in driving cattle within the bills of mortality, &c. and thereby occasioning mischief, shall forfeit* 20*s. and not less than* 5*s.; and whoever shall misbehave in the care, or driving of cattle as aforesaid, it shall be lawful for any Constable upon* view, *or the information of any one who shall declare the offender's name and place of abode, to seize, secure, and without a warrant, to carry such offender before some Justice, who, if the penalty is not paid on conviction, may order him to be publicly whipped, or committed to hard labour in the house of correction for one month.*

When a Constable has notice of any outrage of this nature going forward, so dangerous to the public safety, it is his duty to do his utmost to give effect to this very salutary law, by calling for assistance, and pursuing and apprehending all offenders.

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SECTION XXIX.

Duty of Constables as it relates to the public Safety with respect to Carts, Drays, and other Carriages passing on the Streets and Highways.

The accidents which frequently happen in large cities, and particularly in the metropolis, from the carelessness and inattention of carters, draymen, and others, having the charge of horses and carriages, demands the vigilant attention of every Constable within his district, that by a due execution of the excellent laws now in force, the public may be in a greater degree secured against personal injury. (1)

(1) *By Acts of* 30 *Geo. II. cap.* 22. *and* 13 *Geo. III. cap.* 78. 1*st. If the driver of any* cart, carriage, dray, *or* waggon, *(not guided by some person holding the reins) shall ride upon such carriage in any street or highway.*—2*d. Or if the driver of any carriage whatsoever shall wilfully misbehave, or by negligence shall cause any hurt or damage to any person* or *carriage passing.*—3*d. Or shall quit the highway and go on the other side of the hedge, or fence inclosing the same.*—4*th. Or shall wilfully be at such a distance from his carriage while passing that he cannot have the government of the animals drawing the same.*—5*th. Or shall, by wilful misbehaviour, prevent or interrupt the free passage of any other carriage or passengers on the said highways, or in any public street within London or Westminster, or in any highway within the bills of mortality.*—6*th. Or if the driver of any empty waggon, cart, &c. shall not make way for any coach, chaise, chariot, &c. or loaden waggon or other carriage.*—7*th. Or if any person shall drive any coach, chaise, or other carriage let for hire, or any waggon, wain, or cart not having the owner's name painted thereon, or shall refuse to discover the real name of such owner.*—*For each of these several offences, if* an owner, *he shall forfeit* 20*s.*; if not *the* owner, 10*s.*; *and in default of payment, be committed to the house of correction for one month.*

Offenders may be apprehended without a warrant by any person who sees the offence committed, and may be delivered to a Constable to be carried before a Justice. (2)

(2) By the same Acts.—*If any driver, in any of the cases aforesaid, shall refuse to discover his name, the Justice may commit him to the house of correction for three months; and for the better discovery of offenders, the owner of every waggon, wain, or cart, and also of every coach, post-chaise, or other carriage let for hire, shall cause to be painted upon some conspicuous part, and upon the pannels of the doors of all such* coaches, chaises, *&c. before the same shall be used,* his Christian *and* surname *and* place of abode, *in* large legible letters, *and to remain so while the carriage shall be used: and the owner of every stage waggon, or cart shall, over and*

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above the full name and place of abode, cause to be painted the words common stage waggon, or cart, *as the case may be.—Persons offending in any of the above instances, or using any fictitious name or place of abode, shall on conviction forfeit £5. and not less than 20s.*

SECTION XXX.

Duty of Constables as it relates to public Nuisances and Annoyances noxious and hurtful to the Community.

Constables are required to make presentment of all common nuisances within their districts. By the word nuisance is to be understood *acts committed which tend to the annoyance of the King's subjects;* or acts omitted *which the common good requires*, such as the collection of *filth, garbage, dung*, or *ordure* in situations rendering it noxious, injurious, and offensive to the surrounding inhabitants; driving swine to feed in the streets of populous cities; obstructions in the highways; the residues of manufactures prejudicial to the health of a neighbourhood; neglecting to pull down ruinous houses or buildings, in danger of falling upon the King's subjects, and the like. The common law has provided a remedy by a Bill of Indictment; but on account of the necessity of a more prompt and less circuitous and expensive mode of correcting evils of this nature, some ancient and many modern statutes have given to Magistrates, and to Annoyance Juries, a summary jurisdiction in certain specific cases. There are therefore three modes of proceeding, for the purpose of removing nuisances. 1st. The ancient mode *by* presentment and *indictment, which embraces all nuisances generally;* 2d. The *summary mode* of proceeding *by an information before a Justice;* and 3d. By *Annoyance Juries.*

But as presentments, unless followed up after a Bill of Indictment is found, produces no effect, it is fit that all Constables should, if possible, obtain the sanction of the parish, in order to enable them to prosecute to conviction, by defraying the expenses which may be incurred.

The summary prosecutions before Magistrates cost little or nothing, and almost every modern parish act (particularly in the metropolis) gives a power to Justices to take cognizance of certain nuisances which are either dangerous, offensive, or inconvenient to the inhabitants such as (in some parishes) *keeping hogstalls; allowing swine to feed in the streets; collecting filth, garbage, or rubbish; obstructing the foot-paths by wheelbarrows and other carriages; also by old furniture, timber, earthen ware, hogsheads, casks, barrels, and the like;* all which require a prompt and speedy remedy.

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By 2 William and Mary, stat. 2. cap. 8. The inhabitants of London, &c. shall sweep the streets before their houses twice a week, penalty 3s. 4d. No ashes or filth, &c. shall be laid in any street, &c or cooper's casks, penalty 5s. to 20s.

By Act of 26 Geo. II. cap. 29. No person shall put any rubbish, earth, sand, ashes, dirt, filth, or soil, in any street, lane, or *passage, in London or Westminster, other than such as are allowed by law to heap up and drain, nor sweep or put any thing (as aforesaid) into any kennel, except what shall be swept away by the occupiers of houses before their habitations.—Penalty on conviction before one Justice 10s.*

By Act of 11 Geo. III. cap. 22. Emptying any bog-house, *taking away any* night soil *in Westminster, &c. before twelve at night or after six in the morning, or casting any soil in any street, square, lane, passage, &c. penalty for each offence 20s.*

Beadles, Constables, and Watchmen, *or any other person,* may apprehend offenders, and carry them before a Justice.

By Act of 31 Geo. II. cap. 17. Nuisances within the city and liberty of Westminster are generally cognizable by the Annoyance Jury (which the Constables within this district of the metropolis are bound to obey.)—If a nuisance (by this Act) is not removed in fourteen days after notice given, the Jury may inflict penalties, one half to the High Bailiff, and one half to the Court of Burgesses.

By 30 Geo. III. cap. 53. To prevent nuisances, the Contractors for the city and liberty of Westminster, and parts adjacent, shall, once every week, *between seven in the morning and six in the evening, sweep the streets, squares, and places, and cleanse the same, by raking and collecting all the slush, mud, dirt, dust, rubbish, ashes, filth, and soil found therein, keeping such sweepings free from common sewers and drains, and ten feet from each of the grates, and shall remove and carry away the same,—and shall give notice to the Inspector, specifying the day they are to attend in in each street, that the said Inspector may see that the work is properly performed,—and the Contractors shall also, at the request of any of the inhabitants, remove any dust, ashes, or cinders, which may be collected and deposited in bins, &c.—Penalty for neglect or refusal 10s. for each offence —Persons collecting dust without the authority of the Contractors to forfeit 10s.*

By the same Act. No person shall throw any ashes, dust, dirt, rubbish, dung, soil, or other filth or annoyance, or shall place any board, basket, wares, merchandize, casks, or goods whatever, or shall wash, clean, or hoop, any cask or vessel upon any of the carriage or foot ways, or any carriages, except during the time of unloading or setting down fares, &c. Penalty for each offence 10s. and the carriages, &c. to be detained till paid,—or sold in five days, and the surplus returned to the owner.

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Any person who may see dust, or any annoyance thrown into the streets, &c. may apprehend the offender, and may call others to his assistance if necessary, (without any warrant,) and may carry offenders before a Justice for punishment, as the act directs.

By the same Act. Persons who shall draw or roll on the foot pavement, any cask, wheel, sledge, brewer's pulley, wheelbarrow, or other carriage, or wilfully ride or lead any horse or other cattle, or carriage of any kind, may be apprehended by any person without a warrant, for the purpose of being carried before a Justice, to be dealt with as the Act directs.

By the same Act. No bow windows, or other projections, shall be erected beyond the line of the street, &c; all signs shall be placed flat on the walls; and the Commissioners are authorised to remove all steps, cellar windows, and dungbins, or to alter the same in such manner as they shall think fit; and shall cause all encroachments and annoyances to be removed and altered, at the expense of the owner or occupiers.

By the same Act. The names of the streets shall be placed or wrote on each corner, and the lamp irons numbered; penalty for defacing names 10s.

Penalty wilfully breaking lamps 20s. *and the expense of renewing them.*

Persons accidentally breaking lamps to pay the expense of repairing.

Any person may seize offenders. (1)

It is the duty of every Constable, where offences fall under his review cognizable by a summary process before the Justices, to proceed against the offenders; and also to give notice to the High Steward, or his deputy, or the Commissioners for paving and lighting, as the case may be, of all nuisances or encroachments, &c. which may be assigned to them to remove, that in every case the public may suffer no injury, and that a good Police may be preserved.

As the lower classes of the people are often ignorant of the penalties of the law with respect to various nuisances, and are in some instances not aware that they are committing penal offences, it would be of great use, if Constables in their different districts would admonish delinquents as often as they see offences committed, and where mild measures fail, that they would make examples of those who repeat the offence, after being warned of the consequences.

(1) *The Acts* 10 *Geo. II. cap.* 22. } *Contain regulations for the city*
11 *Geo. III. cap.* 29. } *of London similar to those in Westminster and parts adjacent.*

The Acts 28 *Geo. II. cap.* 9. } *Establish similar regulations for*
6 *Geo. III. cap.* 24. } *Southwark and parts adjacent.*

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PART VII.

Explaining the Duty of Constables as it relates to Frauds committed on the Public by the Sale of unwholesome Provisions, or Bread, Meat, Provisions in general, or any other Article adulterated or deficient in Weight or Measure.

SECTION XXXI.

Duty of Constables as it relates to unwholesome Flesh, Fish, Cheese, Butter, Bread, or other Provisions.

It is the duty of every Constable to keep a watchful eye on the butchers, and other persons selling unwholesome meat, fish, bread, butter, or other provisions within his ward or district, and to give notice to the Magistrates of all offences of this nature, by which the healths of his Majesty's subjects may be endangered. (1.)

(1.) *By the Ordinances of Henry III. Edward I. Edward II.* — *Butchers selling swine's flesh measled or dead of the murrain, on conviction shall be amerced for the first time—second, put in the pillory—third, fined and imprisoned—and fourth, shall forswear the town.*

By the common law. Butchers and others exposing to sale unwholesome meat, or provisions of any kind, may be punished by fine or imprisonment.—Offences of this nature to be presented and indicted by the Constable.

By Act of 13 and 14 Cha. II. cap. 26. — *Where old and corrupt butter is put up with new and sound, or whey butter with butter made of cream, the offender forfeits the value of the butter falsely packed; and no person shall repack butter for sale on pain of forfeiting double the value.*

By 31 Geo. II. cap. 29. Bakers using alum or any deleterious mixtures in bread, are subject to high penalties.

SECTION XXXII.

Duty of Constables as it relates to Provisions or other Articles sold by deficient Weights or Measures.

The frauds upon the public committed by false weights and measures are very extensive.—It is therefore the duty of every Constable within his ward or district to detect and bring to pu-

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nishment all persons offending in this respect. (1) Also bakers, (2) and dealers in salt, (3) selling these necessary articles contrary to the assize, regulated according to law for the time being.

(1) *By 11 of Henry VII. cap. 4. No person within any city or market town shall buy or sell with any weight or measure unless it be marked according to the standard in the Exchequer, on pain of being fined and amerced, according to the discretion of two Justices; and weights and measures found deficient are to be immediately destroyed.*

By 16 Charles I. cap. 19. Whoever shall buy or keep any other weight, measure, *or* yard *than what is according to the standard, shall be fined or imprisoned.*

By 22 Charles II. cap 8, If any person shall sell any sort of grain, ground or unground, or any kind of salt usually sold by the bushel by any other than the standard measure, he shall forfeit for every offence 40s.

By 11 and 12 William, cap. 15. Retailers of ale or beer not selling by the standard quart or pint, forfeits 40s. for each offence.

By 14 Geo. III. cap. 23. Weights and measures are regulated in Mary-le-bone.

By 26 Geo. III. cap. 3. } *Persons subject to the Excise laws, who*
28 Geo. III. cap. 37. } *shall use any false weights, &c. the scales and weights shall be forfeited, and the parties shall be subject to a penalty of £100.*

By 35 Geo. III. cap. 102. } *Justices in Petty Sessions, in the different*
36 Geo. III. cap. 85. } *counties in England, may procure stand-*
37 Geo. III. cap. 143. } *ards, and appoint Inspectors to detect and bring to conviction all persons using false weights and measures in their respective divisions; and Constables are bound to give their utmost assistance in detecting offenders in this respect.*

In the city and liberty of Westminster.
By 29 Geo. II. cap. 25. and } *All weights and measures are*
31 Geo. II. cap. 17. } *to be sized and sealed by the standard belonging to the city, and marked by the proper officer with a portcullis; and the Annoyance Jury may enter any shop or place where weights and measures are used, and destroy such as are deficient, and amerce the offenders any sum not exceeding 40s.*

The High Constable and petty Constables are to obey all orders of the Court. Penalty for neglect or misbehaviour 40s.

(2) *By 31 Geo. II. cap. 29. Constables neglecting or refusing to inform against bakers selling light bread, forfeit 20s.*

When a Constable knows or suspects that any person uses false weights or measures within his ward or district, it is his duty to give notice thereof to the High Steward, or his Deputy, or to the Magistrates, that the offender may be detected and punished.

(3) *By 7 and 8 Wm. III. cap. 21. All persons selling salt above the assize price for the time being, shall, on conviction, forfeit £5. for each offence.*

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With a view to prevent offences in the sale of salt, it would be desirable if Constables in their respective wards would give notice to the retailers of salt (many of whom may offend from ignorance) of the severe penalty to which they may be subject, by not conforming to the assize regulations.

PART VIII.

Explaining the Duty of Constables as it relates to the Protection and Security of the Public Revenue.

SECTION XXXIII.

Various instances occur upon the Statute Books, where the presense of Constables is required not only to assist in the collection of the Public Revenues, but also to detect frauds, and to protect Revenue Officers from insult and opposition in the execution of their duty. The proper, accurate, and full collection of the taxes is so necessary for the existence and well-being of the State, and also so important with a view to an equal distribution of the burdens imposed, that officers of Justice can never be more usefully employed than in contributing to this beneficial object.

LAND TAX.

By Act of 2 Geo. III. cap. 3. Every Constable when required to assist in gathering the Land Tax is bound to obey: and where payment is refused, it is his duty, under the authority of a warrant from the Commissioners, to levy by distress, and in such cases he is justified in breaking open doors in the day time to distrain goods.

MALT TAX.

By 2 and 3 Edward VI. cap. 10. Constables are bound, when called upon, to assist the Officers of the Revenue, where frauds are suspected in any deceitful mixture of malt contrary to law.—In ancient times, a power was exercised by Constables under the statute to search for malt improperly made; but the modern improvements in the Revenue Laws respecting this article supersedes the necessity of any interference on the part of any peace officer, unless when his assistance is required by an Officer of Excise.

EXCISE.

By 12 Cha. II. cap. 23 and 24. } In certain cases, where Excise Of-
13 Geo. II. cap. 23. } ficers enter houses or places in the night time, the law requires the presence of a Constable,

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who (as in cases of a search for illegal stills, &c.) is frequently armed with the warrant of a Magistrate.—Under all circumstances it is his duty to lend his assistance when required, especially where searches are to be made in the night time, because doors cannot be broke open unless in the presence of a peace officer.

Where penalties are inflicted for breach of any of the laws of Excise, and warrants of distress are issued, it is also the duty of every Constable to levy the penalties when required so to do.

CUSTOMS.

By 14 Charles II. cap. 11. Constables are to be aiding and assisting to all persons appointed for the purpose of collecting the Revenue of Customs, or in preventing and detecting frauds.

By 2 Geo. II. cap. 35. Constables are also to attend, when required, all persons who have warrrants to search for goods which have not paid the duties imposed by law.—Under the authority of the warrant of a Justice, a Constable may enter in the day time, and if resisted, (after demanding entrance as a Constable, in the King's name,) he may break open doors.—But as a certain degree of responsibility attaches to the officer, much prudence and caution is necessary in the execution of this duty.

Constables may also apprehend persons lurking about the sea coast, being reputed smugglers, and suspected to be lying in wait for the purposes of illicit trade: and may carry them before a Justice, to be sent to the house of correction, if he shall on examination see sufficient grounds to inflict this punishment.

HAWKERS AND PEDLARS.

By 11 Geo. II. cap. 26. } Constables are bound to put the laws into
29 Geo. III. cap. 29. } execution respecting hawkers and pedlars travelling without licence; on refusal or neglect on due notice given, be forfeits £10.—A Constable may demand the production of the licence wherever he meets hawkers travelling or dispensing of their goods, and if any fraud is discovered, he may, of his own authority, carry such suspicious persons before a Justice to be dealt with according to law.—The penalty inflicted in this case upon Constables by the Legislature for neglect of duty may appear heavy and severe; but the public interest requires that a strict eye should be kept on this class of dealers: and that the utmost vigour and energy should be manifested in detecting those that are in the progress of committing offences.

It is not the Revenue arising from the licence duty alone that the Legislature seems to have had in view, since there are five methods by which (with some exceptions) the public are defrauded by hawkers and pedlars:

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1st. By dealing fraudulently without a licence.
2d. By dealing under cover of a borrowed licence.
3d. By the purchase and sale of smuggled goods.
4th. By the purchase (at an under price) and sale of goods stolen.
5th. By uttering and circulating counterfeit money, chiefly among the ignorant and unwary in the country.

By 29 Geo. III. cap. 26.—1. Hawkers travelling without a licence, or who shall refuse to produce their licence, forfeit £10.

2. *Hawkers exposing goods to sale by auction without a licence, forfeit £50.*
3. *Hawkers convicted in dealing in smuggled goods, or goods fraudulently procured, forfeit their licences, and in addition to all other penalties, are rendered incapable of obtaining a new one.*
4. *Hawkers who have not the word* LICENCED HAWKER *in large Roman letters on their packs, boxes, packages, carts, waggons, or other vehicle conveying goods, and also on every room, shop, or place where he shall trade, and likewise on every hand-bill or advertisement published, together with the* number *and* name *inserted in his licence, forfeit £10.*
5. *Unlicenced persons marking their packs as above (as a cover) forfeit £10.*
6. *Hawkers travelling with a borrowed licence, forfeit £40.*
7. *Hawkers lending a licence forfeit £40. and the licence becomes void, and they cannot have another.—Any person may apprehend a hawker offending as above, and deliver him to a Constable to be carried before a Justice.*
8. *Constables refusing to assist in the execution of this Act, forfeit £10.*
9. *Witnesses refusing to appear and give evidence, forfeit £10.*

☞ *Persons selling goods manufactured by themselves, either in person, or by their children, servants, apprentices, or agents, are exempted, although they go from door to door,* (selling by wholesale only.)

Those who apprehend offenders under this Act, and contribute to the conviction, are intitled to one half of the penalties recovered.

PART IX.

Explaining the Duty of Constables as it relates to the Recovery of Small Tithes.

SECTION XXXIV.

By statute of 7 and 8 William, cap. 6.
10 and 11 William, cap. 15.
6 Anne, cap. 28.
1 Geo. I. cap. 7.
} By virtue of a warrant from two Justices, Constables are bound to levy the money ad-

judged for refusing the payment of small tithes, by distress and sale in three days, and they may retain the charges for making distress, and costs may be allowed, not exceeding 10*s*.

Tithes under 40*s*. a year, and tithes due by Quakers under £10. are recoverable in this way.

PART X.

Explaining the Duty of Constables as it relates to his Majesty's Forces.

SECTION XXXV.

Duty of Constables as it relates to the Militia.

All Constables are bound to be aiding and assisting to Lord Lieutenants of cities, counties, &c. and also to their Deputy Lieutenants, and to Magistrates, in the execution of the Acts in force relative to the militia.

Every Constable in his ward or district is bound, with *purity* and *integrity*, to return a true list of all persons liable to serve in the militia, and strictly to obey the precept he receives for that purpose, without favour or partiality.

By the Acts for regulating the militia, two Deputy Lieutenants within any subdivision may issue their warrant, requiring the attendance of the Constable of any parish; and if he shall refuse or neglect to appear; or if any chief Constable shall refuse or neglect to return the proper lists; or if any or either shall be guilty of any fraud, or wilful partiality, or gross neglect of duty, the Deputy Lieutenants, at their discretion, may inflict a penalty on the offender, of not more than £5. or less than 40*s*. or may commit him to the common gaol for the space of one month; and persons endeavouring to procure a false return shall forfeit £50.(1)

(1) *By Act* 42 *Geo. III. cap.* 90. *Occupiers of houses making false returns forfeit* £5.

Prevailing on Constables to make false returns, forfeit £50.

Constables to make out Lists of all males between the ages of 18 *and* 45, *agreeable to a form prescribed; and to affix a copy on the church door, with the notice of meetings for hearing and appeals.*

Constables to attend the Deputy Lieutenants to verify their Lists, and to amend the same where necessary.

Constables neglecting to appear or to return Lists, or who shall be guilty of any fraud, partiality, or neglect, may be committed for one month, or fined any sum not exceeding £20. *at the discretion of the Deputy Lieutenants.*

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SECTION XXXVI.

Duty of Constables as it relates to his Majesty's Army.

1. BILLETING OFFICERS AND SOLDIERS IN GENERAL.

The Act of 42 Geo. III. cap. 88. commonly called the Mutiny Act, authorises and requires Constables, Headboroughs, &c. to billet the officers and soldiers in his Majesty's service, in *inns, livery stables, alehouses, victualling houses, and the houses of sellers of wine by retail, to be drank in their own houses or places thereunto belonging,* (except persons who keep taverns only, being freemen of the Vintner's Company of the city of London, admitted before the 5th July, 1757, or who since have, or hereafter shall be admitted in right of patrimony or apprenticeship;)—*Also all houses of persons selling brandy, strong waters, cyder, &c. by retail, to be drank in houses* (except the houses of distillers, who keep places for distilling strong waters, and the house of any shopkeeper whose dealings shall be more in other goods than in strong waters, so that such distillers and shopkeepers do not suffer tippling in their houses).

1st. Soldiers shall not be billeted in any other house than those above described, nor in no private house whatsoever.

2d. All Billets, when made out by the Constable, shall be delivered into the hands of the Commanding Officer present.

3d. But the Billets so delivered, *shall be only for the effective soldiers present to be quartered, and no more,*—as the Act particularly directs.

4th. Any military Officer who shall quarter soldiers otherwise than this Act directs, or who shall offer any menace or compulsion tending to deter, or discourage Constables performing their duty, shall, on being convicted thereof before two Justices of Peace on the oath of two witnesses, (if the conviction is affirmed at the Sessions,) be disabled from holding any military employment in his Majesty's service.

By 25 Geo. III. cap. 3. Constables, on receiving an order from the Admiralty, are bound to quarter Marines in the houses liable to receive soldiers.

BILLETING OFFICERS AND SOLDIERS IN THE CITY AND LIBERTY OF WESTMINSTER, AND PLACES ADJACENT IN MIDDLESEX AND SURREY, AND THE BOROUGH OF SOUTHWARK,—(THE CITY OF LONDON EXCEPTED.)

When High Constables, petty Constables, Headboroughs, &c. within the limits above-mentioned, are required to quarter the officers and soldiers of his Majesty's guards, the respective High Constables shall issue out precepts to the petty Constables, &c. in the several parishes, wards, hamlets, districts, &c. within their

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respective divisions, to billet such officers and soldiers in the houses subjected thereto, as above mentioned,—*equally and proportionally, according to the number to be quartered, and of the houses subject to receive them,* as before mentioned.

And to prevent abuses in billeting soldiers in Westminster, and places adjacent in Middlesex and Surrey, &c. the petty Constables and Headboroughs, &c. in their respective parishes, wards, or districts, shall, at every general Quarter Sessions of the Peace, deliver upon oath, to the Justices in Sessions holden for *Westminster, Middlesex,* and *Surrey,* in open Sessions assembled, *true Lists signed by them,* of all houses, with the number of persons inhabiting the same, who are liable (according to the description above mentioned) to receive officers and soldiers, together with the names and rank of all such officers and soldiers as are billeted in each house, to the intent all persons, on application to the Clerk of the Peace, may be at liberty to inspect the said Lists, without fee or reward.—And where any person shall require a copy of such Lists, the Clerk of the Peace, on being paid at the rate of two-pence a sheet, containing 150 words, shall forthwith furnish the same.

Petty Constables, &c. neglecting to deliver such Lists, or who shall deliver false or defective Lists, forfeit £5.

REMARKS.

These abstracts of the existing statute relative to the billeting of soldiers, are given with a view to impress upon the minds, both of the High and Petty Constables, the great importance of the duty assigned them by the Legislature, and the necessity of conducting it, not only with the greatest purity as it respects themselves, but also with a firm and determined resolution, while the purposes of the Act are fulfilled as it respects the quartering of officers and soldiers, that none of those abuses alluded to in the Act shall be suffered to take place, by issuing billets at random on the mere requisition of a serjeant or other non-commissioned officer. The Constable must ever keep in view, that the Act requires him "*to deliver Billets only for effective soldiers present to be quartered, and no more;*" and that such Billets shall be *equally* and *proportionally* distributed, according to the number to be quartered, and to the houses subject to receive them; that the publicans may not be burthened with a greater proportion than the law allows; and that, *above all,* Billets may not be drawn for men that are not *effective* or *present.*—Or men who are in hospitals, barracks, or in other quarters, affording thereby an opportunity to the persons who hold these fraudulent Billets, to obtain money on false pretences from the publicans and others for out-quarters.

It is the indispensable duty of every Constable to protect the persons liable to receive soldiers against every fraudulent device of this kind, and to visit the houses occasionally, with a view to discover all instances where attempts have been made by non-com-

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missioned officers or soldiers to impose or to extort money on false pretences, by requiring more Billets than are necessary, or by using those unnecessary Billets fraudulently, that the offenders may be apprehended for the fraud, and punished by imprisonment, the pillory, or transportation, according to the sentence of the Court before which they are convicted.*—Every collusion on the part of petty Constables, &c. with a view to benefit themselves by fraudulent Billets will render them parties in the conspiracy, and may plunge them in the deepest distress, from which they can never extricate themselves.

A Constable, in issuing Billets, can never be too much on his guard.—He ought never to forget that it is a duty he owes to the public, not only to see that the soldiers are well accommodated; but that this accommodation is not lessened or abridged, or the publicans, &c. imposed on, by issuing Billets for men that are *not effective*, and *men that are not present;* or if present, who are in part men who are already billeted, and appear for the purpose of deception.—Constables should further keep in view, that men who appear with such fraudulent designs, will, when they receive Billets, personate those who are absent, and not effective; and will lay housekeepers who are unable to accommodate soldiers, (and who must pay them out,) under an illegal and fraudulent contribution, to the amount of five or six shillings a month.—To prevent these abuses, the Constables should see every soldier who is to be billetted, and should call over the names; and where a fraud is suspected, on an application to the Field Officer in waiting, or the Clerk of the Orderly Room at the Horse Guards, who will be very ready to assist in detecting it, and in bringing the offender to punishment.

On no account should a petty Constable permit any serjeant to fill up his Billets.—It is impossible for him, with a safe conscience, to swear to his returns being *true*, unless he executes every part of the duty himself, (or with the assistance of some confidential person acting under his direction,) which the law imposes on him.—And where Billets are delivered to the serjeants without seeing the soldiers, it is impossible to swear that the List returned to the Sessions is a *true List, as the Act directs.*

* There are about 4900 houses subject to receive soldiers, within the limits assigned by law for quartering the three regiments of guards.—If the six High Constables, namely, for *Westminster, Holborn, Finsbury, the Tower Liberty, Tower Hamlets*, and *Southwark*, attend to the directions of the Act in distributing the men *equally and proportionably, according to the number to be quartered*, and that no false Billets are put in circulation, the burden upon the whole will be comparatively light; and the persons liable to receive soldiers will be protected against frauds, which in the year 1791 were estimated in the whole to amount to little short of £12,000. in the course of a year.—Regulations have been introduced into the Act with a view to correct this evil; but further improvements in the system appear to be necessary, to which the attention of the Secretary at War is directed, with every disposition to prevent abuses.

Upon the whole, let it be the rule with all Constables,

1*st. To distribute the Billets equally and proportionally, without favour or affection.*

2*d. To grant Billets only to* effective men present, *as the law directs.*

3*d. To deliver no Billets without seeing the men;—and above all, no* blank *billets, without names inserted.*

4*th. To go round to every house, according to the directions of the Act, and return the name of every officer and soldier quartered; and it would be of importance, with a view to the discovery of frauds, if the returns specified both the in and out-quarters.*

5*th. To remove no Billets without the advice and sanction of a Magistrate.*

☞ It is at the same time the indispensable duty of Constables to give every facility and dispatch in billeting soldiers; and to see that they suffer no inconvenience from any unnecessary delay in procuring proper quarters.

BILLETING SOLDIERS IN CITIES, TOWNS, AND VILLAGES; AND IN THE COUNTRY, INCLUDING DRAGOONS, &c.

By section 29 of the Mutiny Act, (1802,) Constables, Headboroughs, Tithingmen, and other Chief Officers and Magistrates of cities, towns, and villages, and other places, or any one Justice of Peace inhabiting in or near any such city, town, village, or place, are authorised and required to billet officers and soldiers in his Majesty's service in the houses and places hereinbefore described; but not in private houses. And by the 33d section of the said Act, the officers, men, and horses belonging to his Majesty's Horse or Dragoons, are to be quartered in the inns, livery stables, alehouses, victualling houses, and other houses allowed by this Act, and are to be furnished by the occupiers with diet and small beer, and with stables and hay for their horses, paying for the same out of the subsistence-money, the rates hereafter mentioned. And persons who have no stables are to make such allowance to others who furnish stables as two Justices shall think reasonable; sec. 34.

Sec. 35. Dragoons and their horses to be billeted in the same houses; namely, one man where there shall be one or two horses, nor less than two men where there shall be four horses, and so in proportion for a greater number; and each man shall be billeted as near his horse as possible.

Sec. 36. Commanding Officers may change Billets for the benefit of the service, and Magistrates and Constables are required to billet the men so exchanged.

Sec. 37. Officers taking money, or suffering money to be taken, for excusing persons liable to receive soldiers, shall be cashiered.

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Sec. 38. High Constables, Beadles, or other officers or persons whatsoever, authorised to billet officers and soldiers, who shall neglect or refuse to find quarters when required, (provided sufficient notice be given before the arrival of the troops,) or shall demand or receive any reward or agree for any sum of money for excusing persons liable to receive soldiers, shall forfeit £5. and not less than 40s. for each offence.

Persons liable to quarter soldiers who shall refuse to receive and victual officers and men, or who shall not furnish good and sufficient hay and straw for the horses billeted, shall forfeit £5. and not less than 40s.

Sec. 39. To prevent abuses in quartering soldiers, one or more Justices in their respective jurisdictions may, by a warrant under their hands and seals, require and command the High Constable, or other officer who shall billet soldiers, to give an account in writing to the Justices requiring the same, of the number of officers and soldiers quartered by them, and the names of the

Sec. 40, 41. Innholders and others upon whom soldiers shall be quartered, (except on a march, or employed in recruiting, and likewise except the recruits by them raised, for the space of seven days at most for such non-commissioned officers and soldiers who are recruiting, and recruits by them raised,) who shall be desirous to furnish candles, vinegar, and salt, gratis, and allow the use of fire to non-commissioned officers and soldiers for dressing and eating their meat, and shall give notice of such desire to the Commanding Officer, in such case, they shall provide their own victuals and small beer, and receive their subsistence-money instead of the innholder.

Sec. 42. Military officers, into whose hands subsistence-money shall come, shall give notice thereof to the innholders quartering soldiers, to whom the money applies, and shall in four days after call for the accounts or debts (if any shall be) between them and the officers and soldiers so quartered, and shall pay the same before the subsistence-money be distributed, either to officers or soldiers, provided that the said accounts do not exceed as follow: viz.

	Diet and small beer.	*Hay & straw for each horse.*
For a commissioned Officer of Horse, being under the degree of a Captain -	£0 2 0	£0 0 6
For a commissioned Officer of Dragoons, being under the degree of a Captain - - -	0 1 0	0 0 6
For a commissioned Officer of Foot, being under the degree of a Captain	0 1 0	0 0 6
For a Light Horseman or Dragoon	0 0 7	0 0 6
For a Foot Soldier - -	0 0 5	

Where any officer makes default in respect to innholders, the Paymaster shall make good the debts contracted, upon the production of a certificate of two Justices that the said debts have been proved by two witnesses at the Sessions.

persons, and the street or place, and signs (if any) where they are billetted, that the said Justices may be the better enabled to prevent and punish abuses in quartering soldiers.

Sec. 43. No officer, civil or military, is authorised to quarter any wives, children, men or maid servants of any officer or soldier without the consent of the owners,—penalty 20*s.* forfeited by the civil officer, and the military officer to be cashiered.

SECTION XXXVII.

Duty of Constables as it relates to the Provision of Carriages for his Majesty's Forces in their Marches, or for their Arms, Cloaths, or Accoutrements.

The 45th section of the Mutiny Act (1802) authorises Justices to issue their warrants to Constables where troops are on a march, requiring them to provide carrriages and able men to drive the same, allowing them time to provide such carriages, that the neighbouring parts may not always bear the burthen; and specifying in the said warrants the places to which they shall travel, not exceeding one day's journey, except in cases of necessity, where the day's march of the troops is prescribed in the order produced to the Magistrate, and where the same does not exceed 25 miles, paying down in hand to the Constables, for the use of those who provide the carriages, as follows: viz.

Waggons or carriages with 5 horses, 1*s.* for the number of miles mentioned in the warrant.

Wain with	6 oxen, 1*s.*	per mile.
Wain with	4 oxen and 2 horses, 1*s.*	ditto.
Carts with	4 horses, 9*d.*	ditto.

And so in proportion for less carriages.

Or any further sum not exceeding 4*d.* for any carriage rated at 1*s.* a mile; and 3*d.* for every carriage rated at 9*d.* a mile; and so in proportion for less carriages, as the same shall be fixed by the Justices granting the warrants, they having regard to the price of hay and oats at the time of fixing such additional rates.

The Constable is to give a receipt in writing to the person paying him the money.——Military officers, for whose detachments, &c. carriages are provided, constraining or forcing any carriage to travel beyond the distance specified in the Magistrate's warrant, or who shall not discharge the same in due time to return

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home on the same day, (if practicable,) or who shall suffer any soldier or servant, (except such as are sick,) or any woman to ride on any carriage, or who shall force any Constable by threatning or menacing words to provide saddle horses for themselves or servants, or shall force horses from the owners, by themselves, servants, or soldiers, shall forfeit for every such offence £5. on proof thereof made before two Justices.

In cases where the day's march shall be such, either owing to distance, the state of the roads, or season of the year, as not to admit of a return of the carriages on the same day on which they shall have been impressed, such further compensation shall be made to the owners as shall be deemed reasonable by the Magistrate who granted the warrant, not exceeding the usual rate and hire of such carriages.

Sec. 46. In cases of emergency, the Secretary at War may authorise a Commanding Officer or Commissary General of Stores, to require Justices to issue warrants for providing saddle horses, and four-wheeled carriages let to hire; and also vessels used in canals or rivers with men and horses, to convoy arms, baggage, &c. and on such requisition Justices are required to issue their warrants to Constables, to provide such carriages usually let for hire; and also boats, barges, and vessels used for the carriage of coals, lime, and goods, on rivers and canals, with able men and horses to drive, navigate, and draw the same; and the officers demanding such conveyances shall pay down in hand to the Constable for the hire such sums as the Justices shall direct, not exceeding the usual rates, (exclusive of tolls and post-horse duty, which in such cases are not to be demanded,) for the use of the respective owners, and shall give a receipt without a stamp to the person paying the same; and the officer commanding may send by the above mentioned conveyances arms, cloaths, accoutrements, baggage, officers, soldiers, servants, women, children, and other persons.

Sec. 47. Officers forcing or constraining horses, carriages, boats, &c. to proceed beyond the distance specified in the warrant of the Magistrate, without a licence from one or more Justices, shall forfeit £5.

Sec. 48. No waggon, wain, cart, or carriage impressed, shall be liable to carry above 30cwt.

Sec. 18. Where a High Constable or a Petty Constable shall neglect or refuse to execute the warrants of the Justices respecting the provision of men, carriages, boats, &c. he or they shall forfeit for each offence 40*s*. and not less than 20*s*.

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Sec. 19. Where the money paid to Constables may not be sufficient to answer the charge and expense of providing carriages, boats, &c. and to guard and protect them against advances of money and oppression, all overpluses are to be made good to the Constables by the Treasurer for the county for which he acts, out of the county stock.

OBSERVATIONS.

It is the indispensable duty of all Constables, when authorised and required by the warrant of a Magistrate, to use every exertion in procuring carriages and other conveyances for his Majesty's forces while on a march.—It is a duty of great importance; and ought to be performed with *vigour* and *firmness*, at the same time *with good temper*, on the part of the Constable.—It is by the exercise and prudence in such emergencies that those who are forced into this service are made to see its necessity and importance; and by being thus reconciled to it, a greater degree of energy and dispatch is manifested than when menaces and insolent language are used.

Under all circumstances, those peace officers who are appointed to perform this public duty, must feel that it is a service which requires not only to be *well done*, but to be accomplished with all possible dispatch.

SECTION XXXVIII.

Duty of Constables as it relates to Deserters from his Majesty's Service.

By the 60th clause of the Mutiny Act, (1802,) it is declared to be lawful for any Constable, Headborough, &c. to apprehend any person who may reasonably be suspected to be a deserter, and to carry him before a Magistrate for examination; and if by his own confession, or the oath of one witness, he appears to be an enlisted soldier, the Constable by virtue of the warrant of the Justice may convey him to prison.

Constables and others apprehending deserters, on producing a certificate of such deserter's being in safe custody, in the Savoy or other prison, by virtue of a warrant from a Justice, such Justice shall issue his order to the Collector of the land tax to pay the Constable or other person who apprehended such deserter the sum of 20*s*.

Sec. 61. Persons harbouring, concealing, or assisting any deserter from his Majesty's service, knowing him to be such, shall forfeit for every offence the sum of £5. to be recovered before one Justice.

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Sec. 62. Persons knowingly detaining, buying, or exchanging, or otherwise receiving from any soldier or deserter, or other person, on any pretence whatsoever, any arms, clothes, caps, belonging to the King, or any such articles belonging to any soldier or deserter generally deemed regimental necessaries, shall forfeit for every offence the sum of £5. to be recovered before one Justice.

PART XI.

Explanation of the Duty of Constables as it relates to treasonable and seditious Conspiracies against the Sovereign, the Government and Constitution of the Country, and the Security of the Subject.

SECTION XXXIX.

Duty of Constables relative to traitorous Conspiracies, &c.

It being the duty of every Constable to visit frequently the different public houses in his ward, district, or division, with a view to *licences*, *billeting soldiers*, and various other objects mentioned in these directions, it is indispensably necessary that he should make particular and minute inquiry relative to the nature and purpose of all clubs or meetings which may be assembled at any time in the public houses under his particular charge, and that he should make it a matter of conscience to use every prudent and discreet method to discover *whether such clubs are for any political purpose? Whether they are composed of a mixture of the superior and inferior classes of the people? Whether soldiers at any time are admitted into such meetings? Whether papers are circulated among the members, oaths administered*, or speeches made? and *Whether there is an affectation of secrecy or mystery in their proceedings?* And wherever a suspicion is excited, notice should be given thereof, by means of a private communication with one or more of the Magistrates of the district; first endeavouring to procure the names and places of abode (where it can be prudently done without exciting suspicion) of as many of the members as possible, with every other particular which can throw light on the object or design of such meetings.—Keeping in view at the same time, that (while crimes of this nature may be in a great measure prevented by vigilance and attention) if conspiracies tending to any wicked or unlawful purpose are discovered by any other means, it will be a severe reflec-

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tion, and a great reproach on every Constable in whose ward or district such conspiracies are found, as well as a mark of great carelessness if not disloyalty, and also a want of a due attention to the solemn oath administered to every Constable on his admission to office, namely, "*that he shall well and truly serve our sovereign Lord the King, according to the best of his skill and knowledge.*"

As no greater calamity can befal any country than that which arises from conspiracies against its government, or against the persons or property of individuals, since, if permitted to grow into maturity, it produces *bloodshed*, *death*, and every other evil, tending to the ruin of families, the destruction of property, and the dissolution of that order by which society exists, no man that is not in the greatest degree wicked and depraved will enter into such criminal conspiracies: and every man so disposed is an enemy to his country.

As Constables, by the constitution and laws of England, are in an especial degree intrusted with the preservation of the King's peace, and as the old word *Conning* or Constable means a *stay* or *prop* to the King's government, to them it particularly belongs to watch narrowly the conduct of all the King's enemies and opposers whatsoever, not only in *public houses* but in *all other places*, that their criminal designs may be frustrated, wherever they manifest a disposition to do mischief.*

In cases of this nature, (of all others the most important,) it will be criminal in a Constable to remain inactive, where a suspicion is excited in his mind; and it will be equally so to conceal from the Magistrates any information which comes to his knowledge tending to the hurt or injury of his Majesty, or his government, or of any of his subjects; such as,

1st. Conspiracies to overturn the government, or injury to the sacred person of the King or his Royal Family.

2d. Attempts to seduce soldiers or seamen from their duty and allegiance, and to bear arms against their Sovereign.

3d. Attempts to seduce ignorant persons or others to bear arms against the King, and to take unlawful oaths.

4th. Unlawful conspiracies with a view to injure the property or destroy persons of the King's subjects.

These are declared by the laws to be the highest and most atrocious crimes which can be committed, and the offenders are subjected to the severest and most ignominious punishments which the Judges can legally inflict; and therefore are most of all deserving the attention of all persons who serve the office of Constable.

* Where Constables are vigilant and useful in discovering and detecting treasonable or seditious designs against his Majesty or his government, in addition to the credit which attaches to such meritorious conduct, they will always be liberally rewarded for their services.

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PART XII.

Explaining the Duty of a Constable as it relates to making Distress for Rents, Taxes, Parish Rates, &c.; and for Penalties incurred in consequence of the Convictions of Magistrates, and other Chief Officers.

SECTION XL.

Relative to Distresses and Sale for Rent.

The goods of the occupiers of houses or lodgings rented by the year, half year, or month, may be distrained for rent due, or in arrear; and the goods of a weekly tenant may be detained for rent due, if an attempt is made to carry them away.—If a monthly or weekly lodger depart his lodgings, the landlord may advertise the articles left in the newspapers, which may be sold in fourteen days after, if he does not return and take them away. The law prescribes no particular mode of removing a weekly lodger, unless in his absence the landlord locks the doors, which the lodger is not to break at his peril. This cannot however be done if the lodger pays his rent regularly. Weekly lodgers in Westminster may be sued for rent in the Court of Conscience for that jurisdiction.

It is convenient that a Constable should be present when goods are distrained for rent, and it is his duty to assist the landlord or person distraining; and where any goods shall be taken in distress for rent reserved or due, and the tenant or owner does not within five days after notice being given thereof replevy the same, according to law, then the person distraining may, with the assistance of the Constable, cause the goods to be appraised, and afterwards may sell the same for the best price towards the payment of the rent actually due, and the reasonable charges, leaving the overplus in the Constable's hands for the use of the owner. Stat. 2 William and Mary, cap. 5.—11 Geo. II. cap. 19.

APPRAISERS' OATH.

You shall swear that you will faithfully appraise and value the goods now taken in distress, and mentioned in the inventory to you shown, as between buyer and seller, according to the best of your skill and understanding; and that you will not, through partiality, interest, or otherwise, over or under estimate the said goods.

So help you God.

The rent may be tendered after the five days, if no appraisement; and a tender after appraisement prevents the sale, for all, is but to have the rent.

It is the duty of the Constable to see that no unfair advantage

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is taken of the person whose goods are distrained, and that they are not collusively disposed of, but sold as the law directs, "*at the best price that can be gotten.*"—The Constable is bound to give a receipt for the overplus, after satisfying the rent and charges, and to pay it over to the tenant without loss of time.

DISTRESSES AND SALE BY VIRTUE OF THE WARRANT OF A MAGISTRATE, &c.

In executing warrants of distress and sale of goods under the authority of Magistrates or other Chief Officers, it is the duty of every Constable to conform strictly to the directions he receives, and most carefully to avoid any wanton or improper exercise of the powers with which he is invested on such occasions.—He must have a tender regard to the property of the person distrained upon; and he is bound not only to prevent all dilapidation and abuse, but also to see that a fair and just inventory is made; that the goods therein mentioned are appraised by a person duly sworn (as above) to do justice between the parties; and if the sum mentioned in the warrant is not paid within the time limited therein, so as to render a sale ultimately necessary, it is further the duty of the Constable to obtain *the best price that can be gotten*, and after deducting the sum due and the reasonable charges, to pay over (without loss of time) the surplus to the owner of the goods distrained.

A Constable will commit a trespass, if of his own authority he makes a forcible entry where the law requires the warrant of a Justice; neither can he appraise the goods himself, or sell them, until the time mentioned in the warrant expires.—There must in such cases be no favour or partiality shewn to the creditor or debtor; wherever this is discovered, Constables become unworthy of the important trust reposed in them, and are subject to disgrace and punishment.

In executing a warrant for levying a penalty or other sum of money, directed by an Act of Parliament by distress, the Constable is authorised to deduct his own reasonable charges of *taking*, *keeping*, and *selling* the goods distrained, before he returns the overplus to the owner. 27 Geo. II. cap. 20.

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PART XIII.

Explaining the Duty of Constables with respect to Warrants and Summons in general; Prosecutions for Abuse of Power, and Escapes.

SECTION XLI.

WARRANTS.

Every Constable is bound to execute the Warrants of Magistrates within his jurisdiction; but he ought carefully to distinguish between a *Warrant* and a *Summons*.—The first gives authority, with all speed and secrecy, to seek out, seize, and apprehend the person therein mentioned,* and to bring him or her before the Magistrate granting the warrant; or he may carry the prisoner before some other Justice of the county, if it be not specially mentioned, but when convenient it is usual to carry the person before the Justice with whom the complaint originated; and the Constable is to consider the person apprehended in his custody, and that he is responsible until he is either discharged by the Justice, or delivered by virtue of a commitment into the charge of the Gaoler, there to remain until liberated by due course of law.—The summons is merely a notice to attend the Magistrate on a given day, which will be explained in its proper place.

Warrants against the persons.

Where prisoners are sent back to gaol for further examination, it is the duty of the apprehending Constable to attend all examinations until the prisoner is finally committed for trial, or discharged.

In cases where it becomes necessary to execute a warrant in another county, out of the jurisdiction of the Magistrate who granted it—The Constable pursuing a person who escapes, or who is out of his county, must see the Magistrate sign the warrant, (and it must be special to himself,) so as to be able to make oath to the hand writing before any Justice in the jurisdiction or county to which the person may have escaped, who will thereupon indorse the said warrant, which will give authority to the Constable to take the person therein mentioned into custody, who he may follow from county to county, applying for a new indorsement as often as it shall be necessary.

* An Officer gives sufficient notice, when he says to the person named in his warrant, *I arrest you in the King's name, &c.* in such case the party is bound to obey; yet if his authority is questioned, it is prudent to state that he is a Constable, and that he holds a warrant against the party arrested.

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In executing search warrants, great circumspection and presence of mind are necessary on the part of the Constable. —If the warrant is for the discovery of stolen goods, the first object is to carry sufficient force to watch the doors and windows, that no person escapes, and that nothing is thrown into yards or passages without being immediately detected while the search is going on within doors. As criminal receivers of stolen goods are generally very acute, and resort to various ingenious contrivances for the purposes of concealment, the premises ought to undergo the closest inspection, especially in cases where the parties are known or reputed receivers. The floors should be examined, and also the walls and wainscoat, to discover whether there are any secret or trap doors, and every chest, trunk, box, closet, &c. should be completely emptied. In this process, the Constable holding the warrant should be furnished with a list of the articles stolen, and a person ought to attend to identify them. Where there is a communication with the roof of the house by a trap door or otherwise, the search should extend to the tiles, where goods stolen in cases of alarm are frequently lodged. As pawnbrokers' duplicates in most cases lead to the discovery of goods stolen, all that are found should be secured, and a list made of every thing so found, and the whole produced before the Magistrate.

Search warrants for goods actually stolen.

In executing warrants, authorised by different Acts of Parliament, to search for goods suspected to be stolen from ships or vessels in the river Thames, or for lead, iron, and other metals, concealed in any house or place, it is the duty of the Constable to adhere strictly to the warrants, and to remove no article which such warrants do not particularly authorise, although of a suspicious nature, neither must any house or place be searched or disturbed which is not described in all search warrant, or any improper severity used. To prevent alarm or opposition, it will be the duty of every Constable to state his authority in terms of the utmost civility before he proceeds to search, and to execute the duty assigned him with the utmost caution and discretion, and never upon any occasion to exceed the powers contained in the warrant.

Search warrants for goods suspected to be stolen.

Constables ought also to know that they can only search in most cases in the day time, and not after dark, except authorised to do so by the warrant; and further, that searches of their own authority are unlawful, and cannot be warranted, unless by the voluntary consent of the owners or occupiers.

If any person shall behave contemptuously with respect to any warrant of a lawful Magistrate, by treading it under feet, or casting it in the dirt, or burning or destroying it, &c. the offender may be bound to his good behaviour, and may also be indicted and fined.

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Constables are to execute all the warrants of Justices, and not to dispute them, *where the Magistrate hath jurisdiction, and the warrant is lawful.* If a warrant be directed to a Constable by name, though he cannot be bound to leave his own parish, he may if he will; and he is justified by the warrant in executing it any where within the jurisdiction of the Justice who granted it, or, him who legally indorses it. But where a warrant is directed to *all Constables, &c.* it is held that no Officer can execute it out of his precinct.

By 33 Geo. III. cap. 55. Constables neglecting their duty, or disobeying any order or warrant of a Justice, forfeit for every offence 40s.

PROSECUTIONS OF CONSTABLES FOR ABUSE OF POWER.

It is the duty of every Constable to retain and file all warrants entrusted to him to execute, for his own justification, at the same time he is bound to certify to the Magistrate what he has done in respect to the same. When no cause exists for such warrants being in force, they ought to be discharged.

It is necessary that such warrants should be preserved, because no action can be brought against any Constable for any thing done in obedience to the warrant of a Justice, until a requisition is first made in writing, and signed by the prosecutor or his attorney, demanding the original or a copy of the said warrant, and until the same has been refused or neglected for six days; and in case after such demand and compliance therewith, any action shall be brought without making the Justice a defendant, then, on producing and proving such warrant, (if the powers therein contained shall not have been exceeded,) the Jury shall give a verdict for the Constable, notwithstanding any defect of jurisdiction in the Justice granting the same.

No action can be brought against a Constable unless commenced within six calendar months after the act committed.

If any action is brought against a Constable for any act done by virtue of his office, he, and all others acting under him, may plead the *general issue*, and give the special matter in evidence, and if he recovers he shall have double costs. 21 James I. cap. 5.

ESCAPES.

A Constable permitting a felon to escape, before arrested, is guilty of a misdemeanor, for which he may be indicted and fined; and if the felon be actually in custody, and then he voluntarily permits him to escape, it is *felony in the Constable.* For his own security he may put a felon in the stocks, or in close prison; he may put irons upon him, or pinion him, to prevent an escape.—Great severity, however, beyond what is necessary for safe custody, excepting with respect to very desperate offenders, will not be exercised by a humane and intelligent officer.

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If the escape is involuntary or by negligence, or if the felon destroys himself, under circumstances where the Constable may be taken by surprise, he is only subject to a fine.

A Constable may pursue an offender making his escape into another country, and bring him back to the Magistrate under whose authority he acted.

All persons rescuing or aiding a prisoner to escape from a Constable, conveying him to prison by virtue of a warrant of commitment for treason or felony, are guilty of felony, and liable to be transported for seven years.

Every prudent Officer will consider the charge of a prisoner as a *sacred charge*, requiring every degree of vigilance and attention. In such situations, he ought never to suffer himself to be for one moment off his guard, until his prisoner is in the custody of the Gaoler.

SUMMONS.

Every Constable before he proceeds to the house of any person with whom he is directed to leave a summons signed by a Magistrate to appear before him, should first make a fair copy of it, and he should note down in his memorandum-book *at what house he left it, at what hour, and whether it was delivered to the person summoned, or to what other person in the house where he resides.* On the day, and at the hour appointed for the party summoned to appear, it is fit that the Constable should attend, to verify if necessary that the summons was duly served, and that the original corresponding with the copy produced was left at the house or residence of the party summoned. Many cases occur where parties who refuse to appear may be convicted of heavy penalties: it is therefore of great importance that Constables should be extremely accurate in executing this duty, and that in all important cases at least they should file and preserve the copies of all summonses served by them.

PART XIV.

Explaining the Duty of Constables who are appointed in Rotation to attend the different Watch-houses in the Metropolis, and in other large Cities where Watchmen and Patroles are established.

SECTION XLII.

It is a general rule in all the parishes, wards, or districts in the metropolis, and in most large cities where Watchmen are established,

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that the Constables shall take upon them the duty of attending the Watch-houses in rotation, and of remaining there from the time the Watchmen go upon duty in the evening until the hour in the morning assigned for them to depart to their respective homes.

It is the duty of the Constable of the Night to be at the Watch-house at the time the whole of the Watchmen and Patroles are assembled; and before they proceed to their respective beats or walks, to see that they are all perfectly sober, and that none are absent; and when any irregularity is discovered, to note down the same as a charge in the watch-book against the person offending, with a view to bring the delinquents before the Superintendants or Trustees of the Watch in the morning. In this respect there must be no *favour, affection*, or *connivance* whatsoever on the part of the Constable upon duty. And if in the course of the night he learns that Watchmen or Patroles have not attended to the doors and shutters of the inhabitants within their walks, or have been in public houses, (when not called upon in the line of their duty to keep the peace or to apprehend offenders,) or that they have been asleep in their boxes, and have not called the hour pointedly and regularly, or have not done their duty in apprehending persons lurking about with an intent to commit felonies, or others charged with offences, or have in any respect misbehaved themselves, such acts of delinquency must be distinctly recorded in the watch-book, for the information of the Magistrates and Trustees in the morning, that the offenders may suffer punishment according to the nature of the offence.

☞ *The better to enable Constables to know the duties which every Watchman is called upon to perform, they will find the same detailed in the Appendix to this book.*

The principal duty of the Constable in the course of the night is to receive into his custody, and safely to keep, all persons brought to the Watch-house charged with offences or disorderly conduct, until they can be brought before the Magistrate in the morning: but unless on a violent suspicion of felony excited in the mind of the Constable, no person can be lawfully detained, unless the person at whose instance he or she was apprehended shall come forward and state the specific offence, which the Constable is to write down in the watch-book, and the person charging must sign the same, and add thereto in writing *his true place of abode, and trade or profession*, and whether a housekeeper or a lodger; and this being done, the Constable must also acknowledge by his signature or name put to the charge, that the prisoner is in his custody. But he must be previously satisfied that the offence charged is against law, and such as authorises him to detain the person; and further, that the party accusing must come under a solemn engagement to appear before the Magistrate in the morning, to make good the said charge.

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A Constable having no discretionary power committed to him by law, cannot of his own authority liberate a person thus charged; but as cases frequently occur where persons of known respectability have been carried to Watch-houses, it has been customary, upon their undertaking to appear, or some friend becoming bound for their appearance next morning, to permit them to go home when accused of offences of a slight nature. As however in such instances a certain degree of responsibility attaches to the Constable, inasmuch as he does this at his own risk, it will be prudent in such cases that the person becoming bail should enter with his own hand upon the watch-book the obligation he has come under, and should *sign the same*, and add his *place of abode and trade, profession, &c.* Where no act of corruption takes place by asking or receiving money for indulgencies, the law is best executed when no severity beyond what is absolutely necessary to answer the ends of public justice is exercised.

Every Night Constable should understand that all prisoners delivered to him *(properly charged)* are considered to be in *his custody*, and that it is his duty to bring them before the Magistrate, with the prosecutors and the witnesses; and in order to enable him to do so, it would be proper, where persons have attended at the Watch-house who can prove any offence committed, to get them to insert their names and places of abode, with an undertaking to appear before the Magistrate in the morning.

In cases of felony, it is the duty of the Night Constable instantly to search the prisoner, and to detain all suspicious articles, in which may be included *watches*, *handkerchiefs*, and *duplicates*, as well as *money*, to be produced in evidence before the Magistrate.

No Constable of the Night ought to exercise greater severity than is necessary for the safe custody of prisoners, and in slight offences every assistance should be given to enable prisoners to send for their friends; but a Constable is unworthy of the trust reposed in him if he demands or extorts, or even receives money for any indulgence, or for any act done in the execution of his office, unless with the knowledge and consent of a Magistrate, and such gratuities only as shall spontaneously arise from the liberality of the parties, and from a wish to make a recompense for time spent and services performed for their immediate accommodation and benefit.

It is the duty of all Constables attending Watch-houses not to keep prisoners in custody for a longer time than is absolutely necessary to bring them before a Justice, who will generally consider night charges as the first duty to be attended to in the morning; and with this view, (in the metropolis,) the watch-book should be laid before the Sitting Magistrate precisely at eleven o'clock in the morning, and the persons in charge, with the witnesses, should then be in waiting, that they may suffer as little

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delay or inconvenience as possible.—The watch charges should be at least intelligibly written, and a space left for the insertion of the adjudication of the Magistrate under each separate charge. This is the more necessary, as watch-books are occasionally produced as evidence at the General and Quarter Sessions, and also at the Old Bailey, and other Courts of Justice.

In conducting a duty so important; it would be a shocking reproach upon a Constable (independent of the criminality of the action) to be in liquor, or not in a situation to execute the trust committed to his charge with prudence and propriety. He ought to recollect that such an act of folly and indiscretion must come to the knowledge of the Magistrates, and that it would not only subject him to a pecuniary penalty, but would prove fatal to his character.—But while his own conduct is correct, it should be his duty to discover whether the Watchmen or Patroles have been guilty of drunkenness, or any corrupt practices, by extorting money from unfortunate women as a licence to walk the streets, or in consequence of threats to apprehend them, or to screen them from punishment when breaches of the peace or lewd proceedings may authorise their being taken into custody. And in all cases where such offences are committed, it is the duty of the Constable to record the same in the watch-book for the information of the Magistrates, that the delinquents may be proceeded against according to law.—*Where corruption prevails, and bribes are received, there never can be a good Police. Where men are dishonest or incapable of their duty, who are appointed to guard the public against personal injury and depredation upon property, the burdens imposed for these advantages become a robbery upon those who sustain them.*—It is therefore the duty of Constables to report unfit men, from age, infirmity, or want of bodily strength, to the Trustees, as well as persons charged with drunkenness or corrupt practices. Every concealment of this nature is a fraud on the public.

It will be considered as a gross breach of duty in a Constable to suffer tippling in the Watch-house, or any liquor to be brought there, except what may be necessary for moderate refreshment for himself while in attendance during the night. No person ought to be suffered to bring liquor of any kind, or any other refreshment to prisoners, on any pretence whatsoever, unless as a medicine, where persons are sick, or who require sustenance from being apprehended in destitute situations, and exhausted for want of food.

☞ *By 14 Geo. III. cap. 90. Constables within the city and liberty of Westminster, and parts adjacent, (namely, that part of St. Clement Danes and St. Mary-le-Strand not within the liberty; the precinct of the Savoy; the united parishes of St. Giles and St. George, Bloomsbury; the united parishes of St. Andrew, Holborn, above the Bars, and St. George the*

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Martyr; and the liberty of Saffron Hill; Hatton Garden, and Ely Rents,) shall watch in the Watch-houses alternately, in a rotation to be settled by the Trustees; and shall dispose of according to law all such persons as shall be brought before them.

PART XV.

Respecting the Expenses incurred by Constables in the Execution of their Office.

SECTION XLIII.

Expenses in apprehending, and in conveying Prisoners to Gaol.

By 27 Geo. II. cap. 3. When any person apprehended has not goods within the county to pay the expenses incurred in committing him to gaol by the warrant of a Justice, then, on application by the Constable or any other officer who conveyed the prisoner, the Justice of the same place shall, upon oath, examine into and ascertain the reasonable expense to be allowed, and shall forthwith, without fee or reward, by a warrant under his hand and seal, order the Treasurer of the county or place to pay the same, which he is required to do as soon as he receives the warrant, and the sums so paid shall be allowed in his accounts.

By 40 Geo. III. cap. 78. It shall be lawful for two Justices for any county, when any person or persons shall have been nominated a special Constable for executing any warrants in cases of felony, to order, by any writing under their hands, such allowance to be made to such Constable for his expense and trouble, and loss of time in executing or in endeavouring to execute such warrants as to them shall seem necessary, which orders shall be afterwards laid before and submitted, on the oath of the special Constable, to the Justices at the next Quarter Sessions; and the whole, or such part as they shall allow, shall be paid by the Treasurer of the county, and shall be allowed in his accounts.

EXPENSES OF A CONSTABLE IN ATTENDING PROSECUTIONS.

By 27 Geo. II. cap. 3. When any poor person shall appear in Court to give evidence on recognizance for any grand or petit larceny or felony,* it shall and may be in the power of the Court, on the prayer and on the oath of such persons in open Court, to order the Treasurer of the county or place where such offence was

* Constables, according to the practice at the Old Bailey, are allowed for time lost and expenses incurred.

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committed, to pay such sum of money as shall seem reasonable for his *time* and *trouble* and *expense*, which order the proper officer of the Court shall make out, and deliver to such person, on being paid 6*d*. and no more, and the Treasurer of the county is required forthwith to pay the person authorised to receive the same.

And by 18 Geo. III. cap. 19. The Court, where any person shall appear on recognizance or subpœna to give evidence as to any petit or grand larceny or other felony, whether any bill of indictment be preferred or not, may order the Treasurer of the county to pay him such sum as they shall think reasonable, not exceeding the expenses he was *bonâ fide* put unto, making also (if he shall appear to be in poor circumstances) a reasonable allowance for his trouble and loss of time, which order the Clerk of Assize or Clerk of the Peace respectively shall forthwith make out and deliver to him, on being paid for the same 6*d*. and no more; and the Treasurer of the county on sight of the order shall pay the same—with like power to the Justices in Sessions to make regulations from time to time, with approbation of the Judges of Assize, concerning the costs and charges of witnesses.

EXPENSES TO BE REFUNDED TO THE HIGH CONSTABLE OUT OF THE COUNTY RATE.

By 40 Geo. III. cap. 78. Two Justices within their respective jurisdictions may order and direct, by a writing under their hands, such reasonable and necessary allowances to be made to any High Constable for extraordinary expenses incurred in the execution of his duty in cases of *tumult* or *riot*, or *felony*; and such orders shall be submitted, on the oath of the High Constable, to the consideration of the Justices in the Quarter Sessions, and the whole, or such part as they may allow, shall be paid by the Treasurer of the county.

EXPENSES OF CONSTABLES TO BE REFUNDED BY THE PARISH.

By 18 Geo. III. ch. 19. Every Constable or other such Officer shall every three months, and within fourteen days after he shall go out of office, deliver to the Overseers of his parish or place a just account in writing, fairly entered in a book to be kept for the purpose, and signed by him, of all the sums expended by him on account of the parish, township, or place, in all cases not hitherto provided by law; and also of all sums received by him on account of the township, parish, or place; and the Overseer shall in fourteen days after the account shall be so delivered, lay the same before the inhabitants, and if approved by the majority of them, the Overseers shall pay out of the poor's rate such sum as shall appear to be due on the said account; but if the account, or any part thereof, shall be disallowed, the Overseer shall return the said book of accounts to the Officer, who may then produce the same to a

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Justice, giving reasonable notice to the Overseer; and the Justice shall examine the same, and hear and determine any objection which shall be made, and settle the sum which shall appear to him to be due, and enter the same in the account, and sign his name thereto, and the Overseer shall pay the same accordingly. Provided that if he shall find the parish, township, or place, aggrieved by any thing done or omitted by the said Constable, or by the Justice, he may, by giving reasonable notice to the said Justice or Constable, appeal to the next General or Quarter Sessions; and the Justices in Sessions may from time to time lay down, or alter, such rates and regulations as to any costs or charges to be allowed to any person by virtue of this Act as to them shall seem just, which rules and regulations, having received the signature of one or more of the Judges of Assize, shall be binding, and not otherwise, on all persons whatsoever.

REMARKS.

It becomes a duty which every Constable owes to himself to provide a book on his coming into office, in conformity to the directions given in this Act, and to enter therein regularly all the expenses incurred by him in the execution of his office as the same may relate to the parish or place for which he serves as a Constable or Officer, and he should on no account omit to present the same to the Overseer quarterly for payment, taking care that the last quarterly account is made up, and presented within fourteen days after he goes out of office; and in case of any dispute, it will be his duty (if it cannot be otherwise adjusted) to appeal to a Magistrate and follow the directions of the Act.

EXPENSES IN LEVYING DISTRESS.

By Act of 27 George II. cap. 20. Where a Constable levies distress by virtue of the warrant of a Justice, the reasonable charges are to be included of taking and keeping such distress; and if a sale takes place, the Constable is authorised to deduct such reasonable charges out of the money arising by the sale, and the overplus (if any) to be returned to the owner.

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PART XVI.

Respecting the Advantages which may arise to Constables, and other Officers of Justice, as a Reward and Compensation for their Time employed, and their Zeal and Activity in putting the Laws in force against Offenders convicted under various penal Statutes.

SECTION XLIV.

The rewards which are paid on the conviction of criminal offenders, and for apprehending deserters, rogues and vagabonds, and disorderly persons, are already detailed in the 17th page of this book; and the further compensations are explained in the three preceeding pages; but they are not the only benefits which a *prudent active*, and *discreet* Constable may derive from a due and proper execution of his office. — The laws are made to be executed, and Constables are particularly called upon to give effect to the statutes where breaches are committed; and in many instances (as have been made appear in this work) they are subject to penalties, if they *omit* or *refuse* to carry various specific Acts of Parliament into execution. Wherever the laws are infringed, the *persons* or *property* of the King's subjects suffer an injury. If, for instance, offences are suffered with impunity which tend to the *injury of the State*, the *corruption of morals*, the *multiplication of crimes*, or to the insecurity of the public with respect to their persons or property; the wrongs done are against *all*, because *all* are liable to suffer by an increase of the danger. If the offences committed are against the Revenue by frauds as they relate to the taxes, the loss thereby sustained must be made up by the community at large, and thus fraudulent individuals flourish at the expense of the innocent part of the public. The institution of Constables and other Peace Officers, taken in rotation from the mass of the people, to execute the laws which their representatives with the consent of his Majesty and his hereditary counsellors have made, is a strong manifestation of the freedom of the subject, and of the excellence of the constitution. It is an important trust, which ought always to be executed with *zeal*, *purity*, and *discretion*.—It is thus that the people by being armed with authority in rotation, become the safeguards of one another, when executing the office of Jurors or Constables.

In this just point of view the office of Constable is perhaps, when properly executed, the most useful of all others, since without such aid the laws cannot in many instances be executed at all. The public security, in the intercourse of civil society, depends on their exertions, and as often as these exertions slacken, this security is abridged and lessened. The functions of the Ma-

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gistrates (with a few exceptions) are to judge and to determine on the cases brought before them; while it is the province of the Constable to lodge informations, and to apprehend delinquents. Without informations the Magistrates can seldom proceed in the work of public justice; and the laws have wisely provided that those who inform and prosecute offenders to conviction, shall, in most instances, be intitled to a moiety of the penalties, where pecuniary forfeitures attach to the offence. Informers are therefore indispensably necessary to the execution of the laws; and the Legislature (although not exclusively) has in many instances assigned this duty to the Constable. He is therefore not that *common informer*, according to the general acceptation of the word, to which popular prejudice has attached odium, not because the thing itself is wrong, since the law has made it necessary, but because many dissolute characters have taken up this trade, seldom with a view to benefit the public, but too often to extort money without any regard to the due execution of the law, of which they lose sight as often as their object is attained by *corrupt*, illicit, and fraudulent *devices*. It is not so with Constables, (whether parochial or stipendiary,) armed with the authority of the law, and sworn to execute their office with purity and integrity. They are the legal and constitutional informers. In executing this duty they obey the injunctions of the Legislature. To them, therefore, no reproach can justly attach for performing an office which they are commanded to execute, and where neglect or refusal might subject them to penalties. They are, in fact, directed to carry the laws into execution as the subordinate coadjutors of Magistrates, whose orders and injunctions in this respect they are bound to obey. No imputation therefore can lie upon any Officer of Justice for zeal and activity in procuring the conviction of persons offending against the laws. On the contrary, such activity is reputable and praiseworthy, and the penalties thus earned are to be considered only in the light of a legislative reward for doing an essential service to the public.

Having said thus much, with a view to remove those groundless prejudices which have tended in no small degree to cripple the justice of the country, it may be useful to detail a few specific offences highly injurious to the interests of society, with the penalties which the law has authorised Courts of Justice and Magistrates to inflict on the conviction of delinquents, that Constables, whether parochial or stipendiary, may know that in the progress of rendering service to the public, while they act with purity and discretion, their meritorious exertions are not without a competent reward.

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Penalties applicable to Offences leading to the Corruption of Morals.

Page		Total penalty which may be inflicted.			Prosecutor's proportion of penalty.		
	1st. LORD'S DAY.						
2	Persons convicted of exercising their ordinary callings on the Lord's Day	£1	0	0	£0	6	8
2	Ditto ditto of driving waggons or cattle on the Lord's Day	1	0	0	0	0	0
2	Butchers or higglers convicted of travelling on the Lord's Day	1	0	0	0	0	0
3	Keeping of houses within the limits of Westminster for entertainment and amusement on the Lord's Day (action)	200	0	0	66	13	4
3	Conductors of such entertainments, in the said houses, on the Lord's Day (action)	100	0	0	33	6	8
3	Door keepers and servants who shall deliver tickets and receive money, ditto	50	0	0	16	13	4
	Bakers in the city of London, or twelve miles round, baking or selling bread on the Lord's Day, except puddings and pies before one o'clock	0	10	0	0	0	0
	2d. ALEHOUSES.						
3	Publicans convicted of harbouring Watchmen or Patroles when on duty, each offence, 20s. to £5.	1	0	0	0	0	0
4	Publicans permitting tippling in their houses	0	10	0	0	0	0
4	Publicans suffering gaming in their houses, by journeymen, labourers, or apprentices — 1st offence	2	0	0	0	10	0
	2d ditto	10	0	0	2	10	0
4	Publicans not selling ale and other liquors by the standard measure, 10s. to 40s.	1	0	0	0	10	0
4	Persons tippling and wasting their time in alehouses (☞ *See Appendix No. I.*)	0	3	4	0	0	0
	3d. DRUNKENNESS.						
4	Publicans getting drunk, forfeit their licence for three years, and on being convicted of drunkenness, forfeit	0	5	0	0	0	0
5	Persons getting drunk, on conviction before a Justice, on view or on the oath of one witness, forfeit	0	5	0	0	0	0
	4th. SWEARING.						
5	Labourers, soldiers, or seamen, convicted of cursing or swearing, forfeit for each offence	0	1	0	0	0	0
5	Persons under the degree of a gentleman ditto ditto	0	2	0	0	0	0
5	Persons of the degree and rank of a gentleman ditto ditto	0	5	0	0	0	0

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Page		Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
	5th. LEWDNESS.		
5	Persons convicted of keeping brothels or bawdy houses } On conviction, are subject to fine, imprisonment, or the pillory, according to the sentence of the Court.		
6	Persons convicted of lewdness and debauchery -		
6	Persons selling lewd and obscene prints and books, &c.		
	6th. GAMING, LOTTERIES, &c.		
7	Persons keeping a common gaming-house, on conviction before one Justice, forfeit -	£200 0 0	£66 13 4
7	Persons playing at unlawful games in common gaming-houses - ditto -	50 0 0	16 13 4
7	Persons having no visible estate, and who principally support themselves by gaming, are to be bound to their good behaviour		
7	Persons setting up raffles or little goe lotteries, or such like games, forfeit - -	100 0 0	50 0 0
7	Persons assisting in unlawful lotteries, are punished as rogues and vagabonds.		
	Persons who shall, publicly or privately, expose to be played at, &c. any lottery by dice or otherwise (action) - - - - - - - - -	500 0 0	166 13 4
	Persons keeping any lottery under the denomination of houses, lands, goods, &c. ditto	500 0 0	166 13 4
	Persons publishing or proposing a scheme of the like nature, - - - ditto	500 0 0	166 13 4
	7th. DISORDERLY HOUSES.		
	Persons who shall open or set up disorderly houses or gardens, for music and dancing, or other entertainment in London, or within 20 miles thereof, without being licenced by the Justices according to the Act of 25 Geo. II. cap. 25, shall forfeit (action) - -	100 0 0	100 0 0

Penalties applicable to Offences relative to the public Safety.

	GUNPOWDER AND FIRE-WORKS.		
21	Persons unlawfully making or selling rockets, squibs, or other fire-works (two witnesses required)	5 0 0	2 10 0
21	Persons permitting fire-works to be thrown from their houses into the streets, roads, &c. -	1 0 0	0 10 0
22	Persons throwing fire-works in the streets, firing guns, pistols, &c. - - -	1 0 0	0 10 0

Page		Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
22	Persons being dealers in gunpowder who shall keep on their premises more than 200 pounds weight, forfet 2s. a pound for all beyond what is allowed by law, one-half to the prosecutor, who is also intitled to the whole of the overplus gunpowder - - - - -	2s. per pound, and the overplus powder.	One-half the penalty, and the whole of the gunpowder forfeited.
22	Persons not being dealers in gunpowder, who shall keep upon their premises more than 50 pounds, forfeit 2s. a pound on all the overplus powder, one-half to the prosecutor, who is also intitled to the whole of the overplus powder, on conviction before two Justices - -		

BULLOCK HUNTING.

23	Persons exercising cruelty to cattle, by driving them furiously in the metropolis, or within the bills of mortality; or any person who misbehaves in the care or driving of cattle, forfeit not less than 5s. nor more than (14 Geo. III. cap. 37) - - - - - -	£1 0 0	£0 10 0
	Persons hired to drive cattle who shall occasion any mischief, or who shall misbehave (21 Geo. III. cap. 67) - - - - - - - - - -	1 0 0	1 0 0

COACHES, CHAISES, CARTS, &c.

24	Persons riding in carts or waggons, &c. not guided by some person holding the reins -	1 0 0	0 10 0
	Drivers of carriages misbehaving wilfully, and causing any hurt or damage - -		
	Drivers being at a distance from their carriages, so as not to have the government of the horses		
	Drivers wilfully interrupting the free passage - - - - -		
	Drivers of empty carts, &c. who shall not give way to loaded carriages, chaises, &c. -		
	Persons not having the owner's name painted on his cart or carriage, (penalty of owners 20s.) (penalty of servant 10s.)	1 0 0	0 10 0
	Owners of waggons, wains, carts, and also owners of coaches, chaises, and other carriages let for hire, who shall not have painted thereon the name and surname, and place of abode, in large legible letters, shall forfeit from 20s. to £5. - - - - - -	5 0 0	2 10 0

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	Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
Drivers of coaches or carriages, drawn by three or more horses travelling for hire, who shall suffer more than four persons to be on the roof, or more than one person besides himself on the box, or three persons on the roof, if less than three horses, shall pay to the collector of the turnpike 5s. for each above the number limited, besides forfeiting on conviction (vide Act 28 Geo. III. cap. 57, and 30 Geo. III. cap. 37)	£2 0 0	£1 0 0
Stage coachmen suffering others to drive, quitting their box, or driving furiously, so as to endanger the persons or property of the passengers or owners (30 Geo. III. cap. 37) 40s. to £5.	5 0 0	2 10 0
HACKNEY COACHES IN THE METROPOLIS, &c.		
Hackney coachmen misbehaving, or taking more than their fares, for every offence a penalty not exceeding *	3 0 0	1 10 0
Hackney coachmen plying without check-strings	0 5 0	0 2 6
Ditto refusing to hold the check-string when required	0 10 0	0 5 0
Ditto plying with coaches not being decent and clean, with glass windows, and hanging level	0 10 0	0 5 0
Ditto plying in the middle of streets not 30 feet wide	0 10 0	0 5 0
Ditto not being three yards distant from one another on the stand (Palace Yard, West Smithfield, and Tower Hill excepted)	0 10 0	0 5 0
Ditto absent from their coaches without a reasonable cause	0 10 0	0 5 0
Ditto carrying persons on the box without consent of the hirer	0 10 0	0 5 0
Ditto going off the stand on pretence of being hired, and taking from thence a fare	0 10 0	0 5 0
Ditto plying opposite to the gate of Westminster Hall; in Guildhall Yard; or before the doors of St. Paul's Church; or within 20 yards of the doors leading to the Houses of Lords or Commons, or Courts of Requests in time of Parliament; or against any of the gates of Sergeants' Inn, or Inns of Court	0 10 0	0 5 0
Ditto feeding their horses in the street, except with oats out of a bag, or hay delivered with the hand	0 10 0	0 5 0
Ditto refusing to give way, if they can conveniently, to any private coach, chaise, or carriage	0 10 0	0 5 0
Ditto who shall obstruct any other hackney coachman quietly to take up or set down his fare	0 10 0	0 5 0
Ditto who shall wrongfully, forcibly, or clandestinely, take away any fare from another	0 10 0	0 5 0

* See Hackney Coach Rates respecting Fares, Appendix No. IV.

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	Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
Hackney coachmen using their coaches regularly as stages, and affixing a board on the doors denoting the same to be a stage coach, to or from any place, shall be fined for refusing to carry their fares out of the ordinary course of their stage walk - - -	£0 10 0	£0 5 0
Ditto plying without tin plates, one on the door on each side, 40s. to £5. - -	5 0 0	2 10 0
Ditto plying with tin plates obliterated or defaced - 40s. to £5. - -	5 0 0	2 10 0

NUISANCES.

By Act of 26 Geo. II. cap. 29. Persons putting rubbish, earth, sand, dirt, &c. in the streets, lanes, or passages, &c. in London or Westminster, forfeit - - - - -	0 10 0	0 5 0

For the Acts relative to nuisances and obstructions in Westminster, see pages 26 and 27.

Penalties applicable to Frauds on the Public.

PROVISIONS, BREAD, AND SALT.

For penalties for selling unwholesome provisions, see page 28.

Bakers selling bread deficient in weight, are subject to a penalty from 1s. to 5s. per oz. on each loaf short of the assize weight - - - - - -	1s. to 5s. per oz.	generally one half allowed.
Bakers using deleterious mixtures, or alum, in bread, shall forfeit from 40s. to £10. - -	10 0 0	ditto.
Bakers not marking their bread with a (W) if wheaten, or an (H) if houshold, forfeit from 5s. to 20s.	1 0 0	ditto.
Bakers selling bread above the assize price, forfeit from 10s. to 40s. for every offence -	2 0 0	ditto.
Persons selling salt above the assize price, forfeit for each offence - - -	5 0 0	2 10 0

WEIGHTS AND MEASURES.

By 12 Henry VII. cap. 4. Persons, in any city or market town, who shall buy or sell with any weight or measure unless it be marked according to the standard in the Exchequer, may be fined by two Justices; and by 16 Cha. I. whoever shall buy or sell by any other *weight, measure,* or *yard,* than what is according to the standard, shall be fined or imprisoned - - -	- -	generally one half.

For the other Acts relative to weights and measures, see page 29.

Penalties applicable to Frauds on the Revenue.

HAWKERS AND PEDLARS.

		Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
Hawkers and Pedlars	selling goods without a licence (except their own manufacture)	£10 0 0	£5 0 0
Ditto	refusing to produce their licence	10 0 0	5 0 0
Ditto	selling spirituous liquors, &c.	10 0 0	5 0 0
Ditto	not having the proper names and marks on their packs	10 0 0	5 0 0
Ditto	marking their packs (not being licenced)	10 0 0	5 0 0

For the other penalties see page 32.

PUBLIC TAXES.

Land and Malt Tax.
Customs.
Excise.
Stamp Duties.
Assessed Taxes, &c.

Constables being bound by law to give their assistance in detecting and in bringing to conviction, persons who commit frauds in respect to any of these respective Revenues, are in most instances, intitled to a moiety of the penalties, which are too numerous to detail in this general view. — Generally one half of the penalties.

PENALTIES APPLICABLE TO OFFENCES COMMITTED BY PAWNBROKERS.

	Penalties.		
By 25 Geo. III. cap. 48. Pawnbrokers dealing without a licence from the Commissioners of Stamps, or keeping more than one shop under the same licence, forfeit by (licence £10. in London, &c. and £5. in the country) (action)	50 0 0	50 0 0	
By 39 and 40 Geo. III. cap. 99. Pawnbrokers are to place in a conspicuous part of their shop a table of interest or profits, penalty 40s. to £10. (☞ *See Appendix No. III. for this table*)	10 0 0	5 0 0	
Pawnbrokers taking more interest than allowed by law, ditto 40s. to £5.	5 0 0	2 10 0	
Pawnbrokers not writing distinctly upon their tickets or duplicates the name and place of abode of the persons pawning, with the letter L for lodger, and the letter H for housekeeper, together with a description of the goods pawned, and the money lent thereon, forfeit 40s. to £10.	10 0 0	5 0 0	
Pawnbrokers not entering in a book, placing to the credit of the pawner the auction sales of all pawns above 10s. and not paying the overplus to the owners when required, forfeit treble the goods pawned, and	10 0 0	5 0 0	

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	Penalties.			Prosecutor's proportion of penalty.		
Pawnbrokers purchasing goods in his custody before the same are by law at his disposal, forfeit 40s. to £10.	£10	0	0	£5	0	0
Pawnbrokers selling goods in his custody before the same are by law at his disposal, or injuring them, forfeit	10	0	0	5	0	0
Pawnbrokers taking pawns before eight in the morning, or after seven in the evening, from Michaelmas till Lady Day, and from seven in the morning till nine in the evening the rest of the year, and after eleven o'clock on Saturday evening, forfeit 40s. to £10.	10	0	0	5	0	0
Pawnbrokers taking pawns from infants under twelve years of age, forfeit 40s. to £10.	10	0	0	5	0	0
Pawnbrokers not placing over their doors their names and business, forfeit	10	0	0	5	0	0
Pawnbrokers not producing their books when required by a Justice, forfeit £5. to £10.	10	0	0	5	0	0
Pawnbrokers not selling goods by auction where 10s. and upwards are lent thereon, forfeit 40s. to £10.	10	0	0	5	0	0
Pawnbrokers not indorsing the profits on duplicates redeemed, and not retaining them twelve months, forfeit 40s. to £10.	10	0	0	5	0	0
Pawnbrokers not retaining goods for three months after the year expires, on notice given, forfeit 40s. to £10.	10	0	0	5	0	0
Pawnbrokers not giving duplicates under 5s. gratis, or charging more than an *halfpenny* for duplicates from 5s. to 10s. or *one penny* from 10s. to 20s. or *two pence* from 20s. to £5. or *four pence* for higher sums lent, forfeit 40s. to £5.	5	0	0	2	10	0
Pawnbrokers knowingly taking in pledge unfinished goods, or articles intrusted to another to wash or iron, forfeit double the value besides restoring the goods to the owner.						
Pawnbrokers selling books, prints, pictures, statues, china, &c. contrary to Act of Parliament, namely, on the first Mondays successively on which the sale shall last in January, April, July, and October in each year, penalty 40s. to £10.	10	0	0	5	0	0
Pawnbrokers not delivering up goods to the owners when required by a Justice so to do, forfeit 40s. to £10.	10	0	0	5	0	0
Pawnbrokers to detain goods on notice that duplicates have been lost, and are to furnish printed						

	Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
affidavits on paying as follows, viz. ½d. for duplicates not exceeding 5s.; 1d. for ditto not exceeding 10s.; and above 10s. the sum paid for the original duplicate, penalty 40s. to £10. -	£10 0 0	£5 0 0
Pawnbrokers are to stop suspected persons offering goods to pawn and not giving a good account of themselves, and are to deliver them into the custody of a constable to be carried before a Justice. On wilful default, they forfeit 40s. to £10. - - - - -	10 0 0	5 0 0
Persons unlawfully pawning or disposing of the goods of another, on conviction, forfeits 20s. to £5. and the value of the goods; and if not paid, suffer imprisonment from one to six months -	5 0 0	2 10 0

PENALTIES FOR HAVING POSSESSION OF GOODS UNLAWFULLY OBTAINED OR EMBEZZLED.

By Act of 29 Geo. II. cap. 30, and 22 Geo. III. cap. 28. All Constables or Peace-Officers, and Watchmen or Patroles when on duty, are authorised to apprehend suspicious persons conveying old iron, lead, or other metals, or goods or chattles of any kind, whether carried by the person, or on horses, or in carts or carriages, after sun setting and before sun rising, and where a satisfactory account is not given that the goods or chattles were lawfully obtained; the Justice before whom they are brought is authorised to inflict a penalty, for the first offence - -

(☞ See pages 12 and 13; and Appendix No. II.)	second offence - -	4 0 0	2 0 0
	third offence - -	6 0 0	3 0 0

By Act of 2 Geo. III. cap. 28; and 39 and 40 Geo. III. cap. 87. Constables, and also Watchmen and Patroles while on duty, are authorised to stop and search persons having in their possession any stores or materials suspected to be stolen from any ship or vessel in the River Thames, or any goods or merchandize, suspected to have been part of the cargoes of any such vessels, and to bring the parties and goods before a Magistrate, who is authorised to inflict penalties (☞ See Appendix No. II.) - - - -

viz.	1 0 0	0 10 0
	2 0 0	1 0 0
	3 0 0	1 10 0
	4 0 0	2 0 0
	5 0 0	2 10 0

By Act of 17 Geo. III. cap. 56. Constables and also Watchmen and Patroles when on duty, are authorised to apprehend persons having and carrying away after sun-set and before sun-rise, materials suspected to be embezzled, consisting of *woolen, linen, fustain, cotton, iron, leather, fur, hemp, flax,* mohair

	Total penalty which may be inflicted.	Prosecutor's proportion of penalty.
or silk manufactures, mixed or unmixed, and if the offender is convicted before two Justices, he forfeits - - - - - - - - -	£20 0 0	£10 0 0
Note. The above articles so seized are to be advertised, and if no persons appear to claim them within the time limited by Act of Parliament, they are to be sold, (or such part thereof as remain unclaimed by the real owners,) and a proportion of the produce thereof to be paid to the persons contributing to the convictions, over and above the penalties - - -	- -	generally one-half.

PENALTIES FOR OFFENCES IN GARDENS, &c.

By 6 Geo. III. cap. 48. Persons convicted of plucking, cutting, spoiling or carrying away any root, shrub, or plant, out of any garden, field, nursery, or other cultivated land, shall at the descretion of the Justice, forfeit any sum not exceeding - - - - - -	2 0 0	1 0 0
By 13 and 42 Geo. III. cap. 32 and 67. Persons stealing, or taking away, or destroying turnips, potatoes, parseneps, pease, or carrots, growing or being in any garden or open fields, shall forfeit on conviction	0 10 0	0 5 0
By 43 Eliz. cap. 7. Persons unlawfully taking away any corn or grain growing, or who shall rob any orchard or garden, or shall break or cut any poles, rails, or fences, or shall dig or pull up any fruit trees, or shall cut or spoil any wood or under-wood (not being a felony), shall make such satisfaction as the Justice shall order, or be whipt.		

PENALTIES. DOG-STEALING.

By 10 Geo. III. cap. 18. Constables and others bringing to Justice dog-stealers, or persons knowingly buying, selling, harbouring, or detaining dogs, knowing the same to be stolen. On conviction of every offender before the Justices, he shall forfeit - - - -	20 0 0	10 0 0

CONCEALING ROGUES AND VAGABONDS.

By 17 Geo. III. cap. 5. Constables and others who contribute to the conviction of persons, knowingly harbouring or concealing rogues and vagabonds, as described in pages 9 and 10, will be intitled to a moiety of the penalty, 10s. to 40s. - - - - -	2 0 0	1 0 0

PENALTIES APPLICABLE TO CHIMNEY-SWEEPS' BOYS.

	Total penalty which may be inflicted.	Prosecutor's proportion of penalties.
By 28 Geo. III. cap. 48. Chimney-sweepers in the metropolis, &c. taking a servant or apprentice under eight years of age to sweep chimnies, forfeits £5. to - - - - -	£10 0 0	£5 0 0
All complaints respecting chimney-sweepers to be determined by two Justices.		
No chimney-sweeper shall retain in his employment at one time more than six apprentices; and each apprentice shall wear a cap, with the name and place of abode of his master. - Penalty £5. to	10 0 0	5 0 0
Chimney sweepers guilty of a breach of covenant, or who shall ill treat their apprentices. Ditto £5. to	10 0 0	5 0 0
Chimney sweepers lending or letting their apprentices, or such as shall be on trial, out for hire, or who shall suffer them to call in the streets before seven in the morning, or after twelve at noon, from Michaelmas to Lady Day, or before five in the morning till twelve at noon, from Lady Day to Michaelmas - - - - - - Ditto £5. to	10 0 0	5 0 0

☞ It is the peculiar duty of every Constable, and it will be the inclination of every humane person, to keep a watchful eye on chimney-sweepers' boys; and wherever they appear without their caps, or in a situation to excite pity or commiseration, to question them as to their treatment, namely, Whether they sleep on the soot-bags in the cellar, or have a room, and a bed to lie on;—and a sufficiency of bed-cloaths to keep them warm?—Whether they are washed and combed every Saturday evening, and have clean linen and decent cloaths on Sunday?—Whether their masters carry them to church on that day?—Whether they have regular meals, and plenty of food? And if they are in general well treated? And where any default appears on the part of the master, it is the duty of Constables (and it is a duty every humane person will perform, whether a Constable or not) to carry the boys before a Magistrate, that the masters may be summoned to answer the charge, and if found guilty, that they may be punished for their neglect and inhumanity.

FEES AND GRATUITIES TO CONSTABLES.

Besides the advantages which an active and discreet Constable may derive from putting the laws in force as they apply to the foregoing and other offences injurious to the public interest, and to the cause of humanity, there are certain fees which usage has sanctioned for services actually performed; namely,

For every warrant for an assault, breaches of the peace, bastardy, misdemeanors, &c. &c. { if within one mile - £0 1 0 / For every additional half mile 0 0 6

For every summons, { if within one mile, and not exceeding a mile and a half 0 1 0 / For every additional half mile 0 0 6

Further emoluments arise occasionally from voluntary gifts or gratuities, which, with the knowledge and consent of a Magistrate, Constables may receive from individuals for useful and meritorious services; but it must be *voluntary*, and not demanded; and above all, neither claimed as a right, *nor extorted*.—When persons apply to a Constable in consequence of any offence committed against law, his office and duty compels him to use his utmost exertions; and any attempt to make terms before he proceeds on his duty will be deemed an act of unwarrantable extortion; since the utmost he can legally claim is to be refunded his reasonable charges: every thing else is a voluntary act of the person requiring his services. But it seldom happens, when a Constable by his activity recovers stolen property and brings offenders to justice, that he is not in some degree rewarded; and it is to be observed, that in many cases rewards are previously advertised for the apprehension or conviction of offenders, in all which instances a fair claim to such reward is established to him whose services have entitled him to demand it.

The advantages therefore which arise from serving the office of a Constable may be thus summed up:

1st. The satisfaction which every honest man feels in having conscientiously discharged an important duty to his country with zeal, discretion, and fidelity.

2d. The parliamentary rewards which may arise from apprehending and contributing to the conviction of offenders, whose offences are specified in page 17.

3d. The advertised rewards to be paid by Government, or others offering the same.

4th. The proportion of penalties which may be obtained by convicting persons charged with the different offences detailed in pages 58 and 67 inclusive.

5th. The fees of office in serving warrants and summonses, &c.

6th. The voluntary gratuities of persons employing Constables, and paid with the consent of Magistrates, in consequence of some useful or meritorious service, producing the recovery of lost property, or in apprehending and convicting offenders where no parliamentary or advertised reward is received.

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SECTION XLV.

Containing a summary view of the Penalties which may be inflicted on Constables for Neglect of Duty, or refusing to execute and perform what the Laws require.

Having in the preceding Section stated the advantages which Constables derive from an honourable and faithful discharge of their duty, it may be useful, and it is certainly of importance, that a collected view should be given of the penalties to which the laws have made them liable, with a view to secure to the public a due exeecution of the very necessary duties which they are called upon to perform, and which become the more urgent, inasmuch as in most instances where they must be performed, none can execute these duties but Constables duly authorised.

THESE PENALTIES ARE CHIEFLY COMPRISED IN THE FOLLOWING SUMMARY VIEW.

OFFENCES LEADING TO THE CORRUPTION OF MORALS.

Page		
1	Constables omitting to keep watch, as directed by the statute, may be (see page 1)	Fine by the Court.
2	——— neglecting to put the laws in force with respect to the Lord's Day	Ditto.
3	——— neglecting to carry the laws in force relative to alehouses	Ditto.
3	——— neglecting to inform against persons keeping alehouses without a licence, forfeit penalty	£2 0 0
4	——— neglecting to present the offence of drunkenness, and to punish the offender, ditto	0 10 0
5	——— neglecting their duty in putting the laws in execution against persons uttering profane oaths, forfeit	2 0 0
5	——— neglecting to apprehend persons disturbing public worship (1 W. and Mary, sess. 2. cap. 3)	Fine by the Court.
5	——— neglecting to proscute persons keeping bawdy houses, on the requisition of two inhabitants of the parish or place, paying scot and lot, forfeit	penalty 20 0 0
6	——— neglecting when required to carry the laws into effect against lewdness and debauchery	Fine by the Court.
6	——— neglecting when required to put the laws in execution against persons selling obscene prints	Ditto.
7	——— neglecting, on the requisition of two housekeepers paying scot and lot, to prosecute gaming-houses,	penalty 20 0 0

Page		
8	Constables neglecting, on the same requisition, to prosecute disorderly houses not licenced for music and dancing,	penalty £20 0 0

VAGRANTS.

8, 9, 10	neglecting or refusing, on the requisition of a Justice, to apprehend idle and disorderly persons, and rogues and vagabonds,	penalty 0 10 0
10	refusing to receive and convey vagrants, according to the order of a Justice	20 0 0

FELONIES AND MISDEMEANORS, AND PUNISHMENTS.

10	neglecting or refusing to assist in quelling affrays, and preserving the peace	Fine by the Court.
11, 12, 13	refusing or neglecting to do their duty in preventing felonies, and misdemeanors, and detecting and apprehending criminal offenders	Ditto.
14, 15	refusing or neglecting to do their utmost in apprehending criminal offenders	Ditto.
16	neglecting or refusing to attend the prosecution of offenders when bound on recognizance to appear	40 0 0
18	neglecting, when required by precept or otherwise, to attend the execution or punishment of offenders	Fine by the Court.

COURTS AND JURIES.

18, 19	neglecting when required to attend the Courts of Justice, or not keeping order and decency	Ditto.
19	neglecting or refusing, when required by precept, to make a return of Jurors	Ditto.
19	neglecting or refusing, on receiving a precept from the Coroner, to return a competent Jury of Inquest, and attending the same	Ditto.

PUBLIC SAFETY, AND PRESERVING THE PEACE.

20	refusing or neglecting, when required by precept, to attend aud keep order at elections	Ditto.
20	refusing or neglecting, on the requisition of Magistrates or the High Constable, to assist in quelling riots	Ditto.

Page				
21	Constables neglecting, on notice of a fire, to repair to the spot, and to assist in preventing depredations. Fine by the Court.			
21	——— refusing or neglecting to apprehend persons throwing fire-works	£	2	0 0
22	——— refusing or neglecting, when required by a Magistrate, to search for gun-powder		2	0 0
23	——— refusing or neglecting to apprehend lunatics and furious persons, when required by a Justice		2	0 0
23	——— refusing or neglecting to apprehend bullock-hunters, and persons treating animals with cruelty. Fine by the Court.			

HIGHWAYS, CARRIAGES, AND NUISANCES.

23	——— refusing or neglecting to execute their duty with respect to carriages on turnpike roads, and other offences relative to rubbish, &c.		10	0 0
24	——— refusing or neglecting, when required by a Magistrate, to appehend drivers of carts or carriages misbehaving		2	0 0
24	——— refusing or neglecting, when directed, to return a list of the names of persons required to repair the highways to the Justices within the limits		2	0 0
25	——— refusing or neglecting to apprehend persons committing nuisances		2	0 0

PROVISIONS, WEIGHTS, AND MEASURES.

28	——— refusing or neglecting, when required by a Magistrate, to indict persons selling mixt butter, or unwholesome provisions, and to levy penalties	Fine by the Court.		
28 29	——— refusing or neglecting their duty in informing against bakers who offend against the laws, &c.	20s. to	5	0 0
29	——— refusing (in Westminster) to obey the orders of the Annoyance Jury respecting weights and measures		2	0 0
29	——— refusing or neglecting to execute the orders of the Justice respecting salt sold above the assize price		2	0 0

PUBLIC REVENUE, HAWKERS, AND PEDLARS.

30	——— refusing or neglecting to execute the orders of the Commissioners respecting the land or malt tax	Fine by the Court.		
31	——— refusing or neglecting, on notice given, or on their own view, to execute the Acts of 9 and 10 Geo. II. against the retailers of spirituous liquors, or to aid and assist Excise Officers when required		20	0 0
31	——— refusing or neglecting to assist the Officers of the Customs, when required by them so to do		20	0 0

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Page		
31, 32	Constables refusing or neglecting to put the laws in execution against hawkers and pedlars - -	£ 10 0 0
32	——— refusing to assist in apprehending hawkers and pedlars committing offences against law -	10 0 0

TITHES.

33	——— refusing, when lawfully required, to assist in levying distress for small tithes -	Fine by the Court.

LAWS RELATIVE TO THE ARMY, MARINES, AND MILITIA.

33	——— refusing or neglecting to appear, when summoned by two Deputy Lieutenants, to assist in executing the militia laws, may be fined by the Deputy Lieutenant 40s. to - - -	5 0 0
33	——— guilty of acts of fraud, wilful partiality, or gross neglect of duty, or who shall neglect to appear, or to return lists, may be fined by the Deputy Lieutenant - - - -	20 0 0
34, 35, 36	——— refusing or neglecting, on due notice given, to billet soldiers or marines, or receiving any reward, or agreeing for any sum of money, for excusing persons liable to receive soldiers, 40s. to -	5 0 0
38, 39	——— neglecting to deliver lists of the persons liable to receive soldiers to the Quarter Sessions, and the number and names of the officers and soldiers quartered, or delivering false lists - -	5 0 0
40 41	——— refusing or neglecting to execute the warrants of Justices in providing carriages for soldiers 20s. to	2 0 0
34	——— refusing, on an order from the Admiralty, to quarter Marines (42 Geo. II. cap. 26) 40s. to -	5 0 0
41	——— concealing deserters, or assisting any deserter from his Majesty's service - -	5 0 0

TREASON AND SEDITION.

42, 43	——— refusing or neglecting to obey the warrants or orders of Magistrates relating to treasonable or seditious conspiracies - - - - - - - -	2 0 0

WARRANTS OF DISTRESS.

44, 45	——— guilty of any corrupt or fraudulent act in executing warrants of distress, or refusing to assist in recovering goods removed to defraud landlords (Geo. II. cap. 19) -	fine, imprisonment, or the pillory.

GENERAL DUTY.

46, 47	——— refusing or neglecting to execute the warrant or order of any Justice - - -	2 0 0

Page		
48	Constables abusing their power in the execution of warrants, by exceeding the authority thereby granted,	Damages by action.
48	——— suffering a prisoner to escape before he is arrested, when in their power to secure him -	Fine by the Court.
48	——— suffering a felon voluntarily to escape, is felony in the person so offending.	
49	——— suffering a felon involuntary to escape - - - - - -	Fine by the Court.
49	——— neglecting to execute the summons of a Justice - - - - - -	£2 0 0
49 50	——— neglecting to watch in rotation, are subject to a fine according to the Acts authorising the same (by 14 Geo. III. cap. 90) Westminster, penalty 5s. to - - - - - -	1 0 0
	——— refusing or neglecting, when lawfully required, to carry the laws into execution as they relate to the preservation of game - - - - - -	Fine by the Court.

By Act of 33 Geo. III. cap. 55. It is declared to be lawful for two Justices at any Special or Petty Session, upon complaint upon oath, of any neglect of duty, or of any disobedience of any lawful warrant or order of any Justice by any Constable, (such Constable having been duly summoned to appear to answer such complaint,) to impose upon conviction any reasonable fine not exceeding *forty shillings*, as a punishment for such disobedience of orders or neglect of duty, and if the fine is not forthwith paid, it shall be levied by distress and sale of goods of the offender.

By the common law, a person duly chosen to serve the office of Constable who refuses to be sworn, and to take upon him the office, may be indicted, fined, and imprisoned, at the discretion of the Justices in Sessions.—By the Act of 29 Geo. II. cap. 25. Persons presented by the Leet Jury of Westminster as fit persons to serve the office, who shall neglect to appear on being duly summoned, or who shall not (when chosen) find a fit and able person as a substitute, forfeits £8.—In other districts, manors, &c. where there are Leet Juries, fines to a greater extent are imposed, on persons refusing to serve the office of Constable when duly chosen.

Thus has the Author of this Work endeavoured not only to explain the duties incumbent on Constables to perform, but also the advantages on the one hand, and the penalties and forfeitures on the other, which attach to neglect or non-performance of the various important functions which the law and usage of the country has assigned to Peace Officers in general.

But while the absolute necessity of a due and faithful execution of these various duties is urged, not only by an appeal and reference to the numerous laws which have been made at different times to enforce them, nothing has been omitted to shew the benefits and advantages which will result both to the Constable and to the community at large, by an active and zealous discharge of this most important office. Every person upon which it may devolve ought to feel a pride in executing it in a manner creditable to himself and useful to the community, by taking all due pains in the first instance to inform himself of the duties which are assigned him, and when *so informed*, to leave nothing undone that is incumbent on him to perform; and on no account to omit those particular and indispensable duties which relate to *alehouses*, *juries*, the *militia*, the *billeting of soldiers*, &c. and every other duty where lists or returns in writing are necessary: in all which cases the greatest accuracy is required, as such returns are made upon oath, which renders it of the utmost importance that there should be no concealment where the law requires a complete disclosure of all that is known without favour or affection. By such a line of conduct, a Peace Officer on quitting his situation, will have the satisfaction of reflecting that he executed the important trust reposed in him with fidelity and honesty, so as not only to have the approbation of his own conscience, but the good opinion of Magistrates, and the applause of the parish or community for which he served as a Constable.

Concluding Observations respecting the Choice of Constables.

Seeing that the state of morals and society call for a degree of capacity, knowledge, vigilance, and activity proportioned to the exigency of the case, it becomes an important desideratum to be select in the choice of persons who are to execute the office of Constables.

The law has provided no other civil institution by which the public are to be guarded against the injuries arising from those vices and crimes which disturb the peace of society, and render life and property in a certain degree insecure. The connection, therefore, between the Magistrate and the Constable, and between both and the public at large, is of infinitely more importance than can either be conceived or imagined by those who have not minutely considered the subject. This impression on the mind of

the Author has led to the publication of this Work, which will not, when duly examined, be found less interesting to the *whole community* than to Peace Officers in general.—To the *Leet Juries*, *bodies politic and corporate*, *parishes*, and other communities, or to Magistrates, (to whom it is assigned by law to choose and appoint Constables and other Peace Officers,) who will, through the medium of this publication, have an opportunity of contemplating the multifarious duties which must be performed for the safety and well-being of the community, and *which Constables duly authorised can only execute*, it will be manifest how imperiously these respective bodies are called upon, especially in large cities and populous districts, to be exceedingly select in their choice, both of *principals* and *substitutes:* and also when so chosen, that such Constables should be well instructed with respect to the various duties assigned them.

It cannot fail to be obvious to all who attend to the Acts of the Legislature, that every Session of Parliament imposes new and additional duties both upon the Justices and the Constables, rendering a greater degree of *capacity*, *fitness*, and *knowledge*, necessary to execute their multiplied functions with utility and effect, as they regard the public interest. It is therefore not an office, as has been erroneously supposed, which can be executed by ignorant and unlettered persons; nor is it an occupation which can be slighted, or a duty that can be carelessly or inefficiently performed without a manifest injury to the best interests of society, whether it regards the safety of the State, the protection of the subject, or the security of the Public Revenue.

The common law and the statutes have not specified many positive exemptions;* a very considerable proportion of the people

* EXEMPTIONS AND DISQUALIFICATIONS.

The exemptions sanctioned by law and usage from serving the office of Constable, would seem to be comprised within the following description of persons:

1. Where it is the custom of a town that the inhabitants shall serve in their turns, there seems to be no exemption; and it has been held in such cases that practising physicians and medical men in general, and even *women*, are not exempted, since in such cases they may procure substitutes who are competent to the office.—*Hawkins*.
2. By 32 Hen. VIII. cap. 40. The President, commons, and fellows of the faculty of physic in London are exempted.
3. By 18 Geo. II. cap. 15. Surgeons of the corporation of London are freed and exempted.
4. By 6 and 7 Wm. cap. 4. Apothecaries in London, and within seven miles thereof, (being free of the Apothecarys' Company,) are exempted.
5. By the same Act. Apothecaries in the country, who have served a seven years apprenticeship, are also exempted.
6. According to Hawkins, sworn attornies, and other officers in the Courts of Westminster are exempted.
7. Ditto, - Barristers at law practising in the Courts are presumed to have the same exemption.
8. Ditto, - The servants of members of Parliament, ditto.

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at large appear to be eligible to serve in rotation, according to the choice which may be made: but the advanced state of society, and the important and useful occupations of individuals, who are engaged in pursuits of commerce, trade, and manufacturers, render it impossible to expect that they should serve in their own persons; but while it is the interest of men of property and substance to contribute to whatever serves to add to the general security, with this view, an extended premium to obtain fit and able men would not

9. According to Hawkins, Aldermen of the city of London, are exempted.
10. Ditto - Justices of the Peace in the county where they act.
11. Elder Brethren of the Trinity-house, but not the younger Brethren.
12. By Act of 1 Wm. cap. 18. Preachers in holy orders, or pretended holy orders tolerated by law, and subscribing and taking the oaths, are exempted.
13. By 10 and 11 Wm. cap. 23. Persons prosecuting a felon to conviction, or him to whom the certificate commonly called a Tyburn Ticket is assigned by such prosecutor, within the parish where the offence was committed, are exempted, but not elsewhere.
14. By 2 Geo. III. cap. 20. A person serving for himself as a private man in the militia, is exempted.

And finally, it has been held that officers of the army in immediate service, gentlemen of quality, and practicing physicians, ought not to be chosen in any town where there are sufficient persons besides to execute the office of Constable; but where this is not the case, it would seem that usage or custom cannot exempt fitting persons from this office.

By Acts of 31 Geo. II. cap. 17. No person shall be chosen a Constable in Westminster who is 63 years of age.

By 29 Geo. II. cap. 25. In Westminster no alehouse keeper can be chosen a Constable; and Constables are disqualified from keeping alehouses. Strong reasons may be urged why this rule should be generally practised by Court Leets and other authorities in every city, town, and county in the kingdom, since it is impossible that a publican can execute the duties of this important office with advantage to the public.

There are other classes of the community who are also exempted, either from their vices or their ignorance and want of a sufficient education to enable them to execute the office in any shape without the hazard of public injury, namely:

1. Persons of dissolute manners, having no property, and without those qualities which can beget confidence.
2. Notorious drunkards, profane swearers, and persons without property, prudence, or discretion.
3. Persons who are unable either to read or write, and unable to pay a deputy.
4. Persons who, although able to read, cannot write, ditto.
5. Persons who, though otherwise qualified, have not property, or strength of body from decrepitude or other causes to execute the duties with effect.
6. And in general all other persons are deemed unfit who are not, according to the legal description, *idoneus homo*, or in other words, "who have not honesty to execute the office truly, without malice, affection, or partiality; — knowledge to understand what they ought to do; — and ability, as well in *substance* or *estate* as in *body*, to execute the office with effect;"—from all which is to be inferred, that the person executing the office of a Constable, whether a principal or substitute, ought to be men *of good character*, possessing education, knowledge and abilities sufficent to comprehend their duty, and that portion of bodily strength which is necessary to execute the office with effect.

be considered as an object, where the expense incurred could only take place once or twice at most in the course of a man's life.

In large communities, there are generally men to be found who, on being properly remunerated, would not only undertake and execute this duty with ability and effect; but would give to the office that degree of respectability in the view of the public which its important functions have bestowed in reality.

A proper and useful knowledge of all the duties, as they regard the public interest, (which have of late years become so extensive,) can scarce be acquired during the period of a year.—The great body of the Peace Officers (who in England and Wales cannot be much short of 12,000) must necessarily be composed of men who, with a few exceptions in large communities, serve in their own right, and it would neither be expedient nor proper to disturb this ancient system;* but it would nevertheless be of the greatest use, where substitutes are indispensable, that they should be composed of intelligent individuals; and men at least of some property, who would assist the others by their knowledge and experience, giving to the whole that degree of respectability, energy, and efficiency which cannot even be hoped for where the major part are more or less uninformed, and many are not able to comprehend either the nature or extent of the duty incumbent on them to perform.

But such select persons as substitutes are not to be obtained, unless a more extended field is opened for the choice.—If the law admitted of no substitutes, it cannot be denied that upon this broad principle the burden would be grievous on men of property, engaged in the general pursuits in life, and whose time is totally occupied: but this difficulty is removed by means of substitute officers, which it would seem right to admit, in all cases where the principals are either too much occupied in their own affairs, or are otherwise disqualified, *from* bad health or other causes, although eligible to be chosen.

* It appears from the returns made to Parliament under the authority of the Act for ascertaining the Population in the year 1801, that there are in England 683 and in Wales 83 districts, under the denomination of *hundreds, wards, liberties, wapentakes,* and *divisions,* presumed to make in the whole 766 *high constablewicks.* From this authority it would not be too much to presume that each hundred or district had on an average a High Constable and 15 petty Officers, which, including the 766 High Constables, would amount to 12,256. The same returns of population state that in England and Wales there are 586 *grand divisions*; presuming these to be in general the high constablewicks instead of the hundreds, &c. and that upon an average there are 20 petty Constables in each grand divison, which is certainly not overstretched, (since in the division of the Tower hamlets there are no less than 220 Peace Officers under one High Constable, and in the divison of Holborn 96,) upon this data therefore it should seem

That in England and Wales there are at least of High Constables	586
Petty Constables and other Peace Officers - -	11,720
Total	12,306.

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The great object is to have this important service to the community performed by persons in every respect fit for the various and multiplied duties which the law requires.—This however, it is to be feared, cannot be attained unless the choice is extended to all who are not *specifically* exempted by law.

When it is considered that (comparatively speaking) none but men of *substance* and estate, having property, require that protection which Constables are assigned to afford, it would seem reasonable to look to this resource for the means of finding *respectable*, *able*, and *intelligent* men as substitutes in large communities, because through no other medium can they be sufficiently remunerated.—It is the interest of all men of property that such a state of things should take place; and to those to whom the power of choosing Peace Officers is committed, it is equally important that every means should be pursued, consistent with law and usage, to prevent the extensive duties assigned to Constables to perform from being placed in unfit hands.

It is thus that a most important branch of the Police of the country is to be improved. It is by such a measure that greater security is to be extended to the peaceful subject; and the laws in general carried into execution in a manner calculated to diminish crimes and other penal offences, and ultimately to improve the general state of society.

Addenda to note in page 38 *and* 39.

By the Act of 42 Geo. III. cap. 108. The rates allowed to innkeepers for non-commissioned officers and soldiers quartered upon them are increased to 1*s*. 4*d*. per day for diet and small beer; and one halfpenny a day is also allowed for the articles formerly furnished gratis; and 1*s*. 2*d*. per day shall be paid for hay and straw for horses instead of 6*d*. as directed by the former Act.

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APPENDIX, No. I.

THE MAGISTRATES* having taken into their serious Consideration the various and increasing Evils arising from *ill regulated Public Houses*, so hurtful to the Morals of the lower Orders of Society, and so injurious to themselves and to the Individuals composing their Families, and being anxiously solicitous not only to correct those Abuses which lead to the corruption of Morals and to Crimes, but also to support and encourage all Publicans who shall conduct themselves in a regular and proper Manner, have established the following

RULES AND ORDERS

For the Information and Instruction of all Publicans, hereby enjoining and directing the Constables to post up a Copy of the same in a conspicuous Place within the Bar of every licenced Alehouse within their respective Constablewicks, and to replace the same as often as they shall be taken down or defaced; and that none may pretend Ignorance, the Magistrates recommend to all Publicans the attentive Perusal of the said RULES and ORDERS, hereby declaring their firm Resolution not to renew the Licences of those Publicans who shall not strictly comply with the same.

RULE I.

Every Publican licenced this Year, who has formerly kept or now keeps a Liquor Shop or Wine Vault, and who retails Gin and other Spirits without having a regular Tap-Room and Bar, and selling a proportionable Quantity of Beer, will not be licenced next Year, nor shall such Licences be transferred in the Course of the Year, unless Houses of this Description are previously converted into Alehouses.

RULE II.

No Publican shall permit unlawful Combinations of Workmen, debating Clubs, or Combinations and Confederacies for seditious Purposes, to assemble in his House, nor any immoral or seditious Publications to be read in his said House, on any Pretence whatsoever, as he will thereby incur the severest Penalties of the Law. (1)

(1) By 39 Geo. III. cap. 79. Persons suffering unlawful Combinations and Confederacies in their Houses to forfeit £5. for the first, and £20. for the second Offence, or three Months Imprisonment, or may be transported. And if a Publican suffers seditious or immoral Publications to be read in his House, he will forfeit his Licence. Penalties half to the Informer.

* These Rules and Orders, with some variations applicable to local circumstances, were sanctioned by the Magistrates in the city of Westminster early in the year 1802.

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RULE III.

Young Men under Age, Apprentices, Journeymen or Labourers, shall not be harboured or encouraged to loiter away their Time in the House of any Publican, nor shall such Persons be permitted to play at any Game whatsoever, neither shall any sedentary or idle Game be permitted in Alehouses, such as Cards, Dice, Domino, Shuffle Board, What's o'Clock, Four Corners, Tables, Missisippi, Draughts, Sibley Table, Bumble Puppy, Ringing at the Bull, or any other unlawful Game, whereby the labouring People may be seduced from their Occupations to spend their Time in Idleness and Profligacy; and no Person whatsoever shall be allowed by any Publican to remain tippling and wasting Time idly until intoxicated with Liquor; nor shall any Publican draw Beer, Spirits, or any other Liquor, to Persons coming into their Houses in a State of Intoxication. (1)

RULE IV.

No Publican shall, on any Pretence, harbour in his House any known or reputed Thieves, Rogues, Vagabonds, common Prostitutes, and loose, idle, and abandoned Characters; neither shall Watchmen nor Patroles be permitted to have liquor in their Houses during the Hours of Duty. (2)

RULE V.

It is particularly expected that Publicans shall, on no Pretence whatever, allow Soldiers to tipple in their Houses, or suffer them to have Liquor after Ten o'Clock at Night, nor draw Liquor at any Time to Soldiers in a State of Intoxication; nor shall any

(1) By 1 James 2. cap. 7. 1 Charles 1. cap. 4. { Publicans who suffer Tippling shall forfeit for each Offence 10s. and the Tipplers shall forfeit 3s. 4d. for each Offence.

(1) By 26 Geo. II. cap, 31. Publicans suffering unlawful Games in their Houses, or Disorders therein, shall forfeit their Recognizance, and be disqualified from keeping an Alehouse for three Years.

(1) By 30 Geo. II. cap. 24. Publicans suffering Journeymen, Labourers, Servants, or Apprentices, to game in their Houses, forfeit 40s. for the first Offence, and £10. for every subsequent Offence.—One-fourth to him or her who shall contribute to the Conviction.

(2) By 17 Geo. II. cap. 5. Persons who shall knowingly permit Rogues and Vagabonds to lodge and take Shelter in their Houses and Premises, and shall not deliver them to the Constable, or carry them before a Justice, shall forfeit not less than 10s. nor more than 40s.—One-half to the Informer.

(2) By 14 Geo. III. cap. 90. Publicans harbouring Watchmen or Patroles while on Duty, or suffering them to tipple, shall forfeit 20s. for the first, 40s. for the second, and £5. for the third Offence.

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Publican run Scores with Soldiers upon the Credit of their Cloaths or Military Accoutrements, or allow Chelsea Pensioners to get deeply in Debt by a wasteful Expenditure of Money on the Credit of their Pensions. (1)

RULE VI.

Every Publican is strictly enjoined to shut up his House during the Hours of Divine Service on Sundays, Good-Friday, and Christmas-Day; and not under any Pretence, during the Hours of Divine Service in the Parish Church, to draw Beer or other Liquors to Lodgers, or suffer Strangers or others to remain tippling, or any Person to enter his said House, except the Members of his own Family and the Parish Officers and Constables. (2)

RULE VII.

No Publican shall suffer Lottery Offenders to take Numbers in his House, nor to draw the Little Go Lottery. Smashers or Dealers in base Money attempting to dispose of the same, must be detained until a Peace Officer receives them in Charge. Duffers and Smugglers must be prevented from disposing of their Goods in Alehouses: Nor shall any Publican, by himself, Servants, or Inmates, permit any private Dealing in Goods suspected to be stolen, or in Corn, Provender, Poultry, or Provisions, brought from the Country, and suspected to be unlawfully procured. (3)

RULE VIII.

Wherever any Publican has reason to suspect that any *reputed Thief, Utterer of Base Money, Lottery Vagrant*, or any loose, idle, or suspicious Persons are assembled in his House, with a View to any unlawful or criminal Design, he shall immediately apply to a Magistrate, or the nearest Parish Constable, that, if the Suspicion is well founded, the Parties may be apprehended and dealt with according to Law. (4)

(1) By 41 Geo. III. cap. 11. Persons buying, receiving, exchanging, or detaining Arms, Cloaths, or Regimental Necessaries, shall forfeit £5. for each Offence.

(2) By 29 Cha. II. cap. 7, and 10 & 11 William, cap. 24. } Persons exercising their ordinary Calling on the Lord's Day, (except dressing and selling Meat in Victualling Houses and Cooks' Shops, &c. and except Works of Necessity and Charity, and the Sale of Milk and Mackarel before or after Divine Service,) shall forfeit 20s. for every Offence.

(3) By 9 Geo. II. cap. 35. Publicans or others knowingly harbouring Persons against whom any Process hath issued for obstructing Officers of Excise, shall forfeit £100.

(4) By 22 Geo. III. cap. 47. All Persons not having a Licence who deal in Tickets, or sell Chances, or take Insurances, shall be punished as Rogues and Vagabonds under the 17 Geo. II. cap. 5, and shall be imprisoned in the House of Correction.

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RULE IX.

It is expected, that wherever any Circumstance comes to the Knowledge of a Publican, relative to Persons who have committed criminal Offences, they shall immediately communicate such Information as they may receive to a Magistrate or a Constable. (1)

RULE X.

No Publican shall suffer in his House, Yard, Garden, or Premises, Bear or Badger Baiting, Cock Fighting, Boxing, or any other idle Amusement whereby loose and disorderly People may be collected together. (2)

RULE XI.

Every Publican is enjoined to shut up his House at the latest at Eleven o'Clock at Night, and not to open it until a reasonable Time in the Morning. *Wherever it is known that any Publican harbours drunken Soldiers, and others in a State of Intoxication:—Prostitutes, and idle and disorderly Persons wandering abroad at untimely Hours in the Night, and serves them with Liquor, the Licence will not be renewed on the following Year.* (3)

RULE XII.

It is particularly expected by the Magistrates that every Publican shall keep in his Recollection that he has entered himself into Recognizance, and given Security that he shall keep good Rule and Order in his House during the Term of his Licence; and that this cannot be effected unless he keeps himself sober, and shews a good Example to others, by a Conduct void of Offence, and by not suffering in his House any Cursing or Swearing, or any profane or indecent and obscene Language, or any Quarrelling or Fighting; to prevent all which, in Case of Need, he is hereby enjoined to give the Parties offending in Charge of a Peace Officer; and finally, no Publican shall sell Ale, Beer, or Spirits, but by the legal Ale and Spirit Measures, according to the Standard in the Exchequer; nor

(1) By 30 Geo. II. cap. 21. Suspected Persons offering Goods to sell, and refusing to give a satisfactory Account how they obtained the same, may be detained and given in Charge to Constable, to be carried before a Justice to be dealt with according to Law.

(2) By 26 Geo. II. cap. 31. Publicans doing any Act to forfeit their Recognizance, and being convicted thereof, the Licence becomes void, and they are disabled from holding any Licence for three Years.

(3) By 4 James I. cap. 5. } Persons convicted of Drunkenness by the
21 James I. cap. 5. } View of a Justice, or Oath of one Witness, shall forfeit 5s. or be placed in the Stocks: and every Constable neglecting his Duty in detecting Offenders, shall forfeit 10s.

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shall he, at any Time, refuse Admittance to Parish or Police Constables in the Discharge of their Duty, in seeing that these Rules and Orders are strictly obeyed. (1)

(1) By 7 James I. cap. 10. If any Alehouse Keeper be convicted of Drunkenness, besides the other Penalties of the Law for this Offence, he shall be entirely disabled from holding a Licence for three Years.

By 11 & 12 William, cap. 15. Every Retailer of Ale or Beer, who shall not sell the same in a full Ale Quart or Ale Pint, according to the Standard in the Exchequer, shall, on Conviction, forfeit 40s. and not less than 10s.: half to the Informer.

By 19 Geo. II. cap. 21. Persons convicted of profanely Cursing and Swearing, shall forfeit 1s. if a Labourer, Soldier, or Seaman; and 2s. if under the Degree of a Gentleman; and 5s. if of, or above the Degree of a Gentleman.—The second Offence double Penalties (after the Conviction for the First,) and the third and every subsequent Offence treble.

That the Public at large, and particularly the Magistrates, may be able to estimate the importance of preserving good rule and order in Alehouses upon an uniform system, as a means of preventing those excessive evils which are generated in ill-regulated Public Houses, the following estimate of the number in England and Wales is here given:

Metropolis.	City of London	820	
	City and Liberty of Westminster	990	
	Hamlets of the Tower of London, and Tower Liberty	1,050	
	Division of Holborn	750	
	Division of Finsbury	390	
	Division of Kensington	260	
	Borough of Southwark and Vicinity	950	
			5,210
	Towns and Villages in the Vicinity of the Metropolis, about		790
			6,000
	In the other Cities Towns and Counties of England and Wales (supposed) about		44,000
		Total	50,000

APPENDIX, No. II.

Explaining the Duties of Watchmen and Patroles in large Cities.

THE Watchmen shall assemble at the Watch-house every evening half an hour before the time appointed for their being at their particular Beats or Stations, with their Watch-coats, Lanthorns,

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and Rattles. After their names are called over, the Warden of the Watch or Constable of the Night, shall read to them with an audible voice the following

RULES AND ORDERS.

RULE I.

Each Watchmen shall go round his Beat or Walk twice every hour, and proclaim the hour of the Night in a distinct and clear manner, and with an audible voice, so as to be clearly understood by the Inhabitants.

RULE II.

Each Watchman in going his Rounds, shall carefully observe and try whether the House, Shops, Cellars, Gates, &c. within his Walk are well secured; and if any Door, Window-shutter, Gate, &c. be not fastened, he shall forthwith give notice to the Occupier, and lend his assistance (if necessary) in securing the same.

RULE III.

Every Watchman, while on duty, shall do the utmost in his power to prevent all mischiefs happening by Fire, by conveying immediate notice to the Engine Keepers and Turncocks, of the house or houses in danger, and where the same are situated, that no time may be lost in procuring assistance. He shall also give notice to the Constable of the Night, that he may call up the Constables of the Parish to give their attendance immediately, to preserve order and to prevent depredations from being committed on the sufferers.

RULE IV.

Every Watchman, while on duty, is bound to do his utmost to prevent all Murders, Burglaries, Robberies, Affrays, and other outrages during the Night, and for this purpose he is authorized to arrest and apprehend *Night Walkers* who are disorderly, or committing breaches of the peace, also *Malefactors, Rogues, Vagabonds,* and other loose, idle, and disorderly persons; and all persons sleeping in the open air, or lying, or loitering in any *Street, Square, Court, Lane, Mews, Yard, Alley, Passage, or Place,* with an apparent intention to commit Felonies; and to deliver the persons so apprehended to the Constable of the Night, to be there searched and their names and offences entered in the Watch-Book, and the Prisoners detained until they can be brought before the Magistrates in the morning, when the Watchman or Patrole is to attend to give evidence.

N.B. By Act of 22 Geo. III. cap. 58. All Watchmen are authorized to stop and search all suspicious persons carrying *Burthens, Bundles,* or *Parcels,* and all Carts and Carriages passing

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at untimely hours, with goods suspected to be unlawfully obtained, and if a good and satisfactory account is not obtained, to carry the parties and goods to the Officer of the Night, to be examined and detained if he shall see cause so to do.—— ☞ Hackney Coaches and Carts taking goods at late hours in the Night, or early hours in the Morning, are also to be examined and stopped where there is suspicion of Felony.

RULE V.

The adjoining Watchman, on a signal made by the Rattle or outcry, shall assist his neighbour Watchman; but shall not remain longer than the case requires, nor shall on any pretence be absent from his Beat (unless when any of the aforesaid duties require the same) during the time of keeping the Watch.

RULE VI.

No Watchman on any pretence shall go into any Alehouse or Gin Shop during the time of Watching, unless called there on account of an Affray or Breach of the Peace, or to apprehend a Felon, or some Malefactor, or disorderly Person, on pain of immediate dismissal, and being mulcted of all the wages then due to him.

By 14 Geo. III. Cap. 90. All Publicans (in Westminster, &c.) who harbour Watchmen, Patroles, or Beadles while on Duty, or who serve them with Liquor, forfeit 20s. for the first, 40s. for the second, and £5. for every subsequent Offence.

RULE VII.

No Watchmen shall be Drunk at the time he goes upon duty, or at any time during the Night, on pain of immediate dismission, besides being fined by the Justice or put in the Stocks; and such person shall not be elegible to be employed again as a Watchman.

RULE VIII.

No Watchman shall on pain of immediate dismission, extort, ask, demand, or receive from any person committing any offence any money whatsoever, for the purpose of permitting him or her to escape; nor from any woman as a licence to permit her to walk the streets on any pretence whatsoever; or to screen such women from punishment, when they commit breaches of the peace authorizing Watchmen to apprehend them.

RULE IX.

All Watchmen, on their respective stations, shall observe the Lamps, and see that they burn well, and give a proper light, and where they only glimmer or are extinguished before the proper time, that notice thereof be given to the Officer of the Night on the following evening, that he may note down the same in his Watch Book, and make a general Report of all deficiencies to the Trustees.

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RULE X.

If any Watchman be prevented by sickness, or any sufficient reason from attending his Duty, he shall give notice thereof before Five o'Clock, to the Warden or other head Officer of the Watch; and at the same time, send his Great Coat, Lanthorn, and Rattle, &c. that he may appoint one of the Supernumerary Watchman to attend for him; and if without such authority, any Watchman shall appoint another person to do Duty for him, he shall be discharged.

RULE XI.

If any Watchman, while on Duty, shall lose his Great Coat, Lanthorn, Rattle, (or arms where he has any) or any of his accoutrements, he shall be discharged and be for ever after rendered incapable of being employed as a Watchman.

RULE XII.

On the death or discharge of any Watchman, the pay due to him shall be stopped until the *Great Coat*, *Lanthorn*, *Rattle*, and other accoutrements, shall be delivered up to the Warden or other head Officer of the Watch, or other person appointed to receive the same.

PATROLES.

In large cities, Patroles are required frequently to commence their Duty immediately after dark, to detect Robberies before the Watch is set; and afterwards to notice that the Watchmen do their Duty, and to make a true return to the Constable of the Night of all neglects of duty or misbehaviour; all which ought to be inserted in the Watch Book, and a Copy thereof laid before the Trustees or Managers for their inspection in the morning.

Note. The Twelve Rules laid down for the Watchmen, with some small variations, are to be considered as the Rules for regulating the duties of the Patroles, whose powers to apprehend Offenders, and to stop and search suspected persons with Burthens or Parcels, &c. are the same as the Watchmen.

BEADLES.

Beadles in large cities, are generally appointed *twice* every Night or oftener, to Patrole in, and through the *Squares*, *Streets*, *Lanes*, *Alleys*, *Courts*, *Passages*, and Places within their Parishes; and to notice the behaviour of the Watchmen and Patroles, and to make true returns to the Constable of the Night, of such as shall appear negligent or remiss in their Duty, or asleep in their Watch Boxes.

And the said Reports should be recorded in the Watch Book in the first instance, and a Copy thereof signed by the said Beadles

[*To face page* 86.

As no detailed specific, the following Table (which removes all Ambiguity with re 99. It will not only prove a Direction to Pawnbrokers as to to pledge Property, to ascertain to a Point what Interest they the Possession of the Pawnbroker.

For the lowest sum lent		1			9			10			11			12		
		Month	and a Half.		Months	and a Half.		Months	and a Half.		Months	and a Half.		Months		
0	0	7½	11	1	2¼	5	9½	5	1	6	4½	5	8½	7	0	7	3¾	36	6
7	0	7½	11¼	1	3½	5	10½	6	2	6	5¼	6	9½	7	1¼	7	5	37	0
7	6	7½	11¼	1	3¼	5	11¼	6	3	6	6¼	6	10½	7	2¼	7	6	37	6
8	0	7¼	11½	1	3¾	6	0¼	6	4	6	8	6	11¼	7	3½	7	¼	38	0
8	6	7¼	11¼	1	3½	6	1¼	6	5	6	9	7	0¼	7	4¼	7	8½	38	6
9	0	7¼	11¼	1	3¾	6	1¾	6	5½	6	9½	7	1¼	7	5¼	7	9	38	9
9	6	8	11¼	1	3¾	6	2¼	6	6	6	10	7	2	7	5¼	7	9¾	39	0
10	0	8	1 0	1	4¼	6	3¼	6	7	6	11	7	3	7	7	7	11	39	6
10	0	8	1 0	1	4¾	6	4	6	8	7	0	7	4	7	8	8	0	40	0

☞ Persons applying ng for the half month—applications after the rst seven days, and bef r a month and a half, according to the above ites.—After fourteen d subsequent month.—For the rates to be paid r *duplicates* and for *aff* awnbrokers, see pages 63, 64, and 65, in this reatise.

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and Constable of the Night, should on the next morning be delivered to the Clerk of the Trustees, or others having the Government of the Watch, to be by him laid before the Board.

The following is an estimate of the Watchmen and Patroles employed to protect the Inhabitants of the Metropolis during the Night, against acts of violence and depredation.

City of London, Watchmen and Patroles, about	785
City and Liberty of Westminster, ditto	300
Division of Holborn, ditto	370
Division of Finsbury, ditto	130
Division of the Tower Hamlets, and Tower Liberty, ditto	290
Division of Kensington, Chelsea, &c. ditto	65
Borough of Southwark and vicinity, ditto	80
	2,020
Private Watchmen in different parts of the Metropolis, ditto	180
Total	2,2000

All of whom require specific instructions, and constant admonition.

APPENDIX, No. IV.

GENERAL RULES

RELATIVE TO

HACKNEY COACHES IN THE METROPOLIS.

As Authorized by the Act of 39 and 40, cap. 47; and by the Bye-Laws of the Commissioners.

N.B. *There are at present 1,100 Hackney Coaches in the Metropolis, and Suburbs.*

RULE I.

Coaches to go ten miles out of Town.

Every Hackney Coachman shall be obliged on every day of the week (unless he shall have been out twelve hours, or that there is some other reasonable excuse) to go to any place within ten miles, in case he shall have time to return before sun-set, or the fare shall undertake to return in such coach.

RULE II.

Coaches to go to the Country in the Night.

Every Hackney Coachman (unless he shall have been out twelve hours, or have some other reasonable excuse, shall be obliged *at*

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any hour of the Night, to go upon all public turnpike roads that shall be lighted up any where within the distance of two miles and a half from the ends, or extreme parts of the several carriage-way pavements of the cities of London and Westminster and the suburbs thereof, where a regular continuation of carriage-way pavement doth extend.

RULE III.

Fares out of Town and not returning before Sun-set.

Every Hackney Coachman hired to go into the country, and discharged at such period of time as will prevent his return to the nearest stone's end, or to the out stand from which he may have been taken *before sun-set*, he travelling at the rate of five miles an hour, shall in such case be allowed sixpence per mile for such ground he may have to return; and also the *full fare* for such ground as he shall travel after sun-set, at the rate of five miles an hour: computing the *full fare* into one ground or distance, as if the *fare* had returned in the Coach. But if the sun is set before any Coach is discharged in the country, then the full fare may be legally demanded for the whole ground.

RULE IV.

Night Fares in Town.

Every Hackney Coachman hired between twelve o'Clock at night, and six o'Clock in the morning, is intitled to demand sixpence on every shilling, in addition to the established rates. But this additional fare does not extend to Coaches hired and taken between the hours of ten and twelve at night, even although the Coach be not discharged till after twelve at night, unless the fare shall exceed two shillings.

RULE V.

Respecting Fares in general according to Distance.

Hackney Coachmen are authorized to demand the following fares in the day-time, *viz.*

	s.	*d.*
For every distance not exceeding one mile - -	1	0
Where the distance is more than a mile, and not exceeding a mile and a half - - - - - - -	1	6
Where the distance exceeds one mile and one half, and does not exceed two miles - - - - - -	2	0

And so in proportion for other distances.

N.B. The space betwixt the stand and taking up the fare is considered as part of the distance. And no fraction less than sixpence, either for distance or time is to be reckoned.

RULE VI.

Respecting Fares calculated by Time.

Every Hackney Coachmen has an option of taking his fare

ther according to the length of ground, or the time occupied in the accommodation of the hirer.

Time.

For every forty minutes a Hackney Coach is in the service of the hirer	1	0
For every twenty minutes afterwards	0	6
For a full day (not exceeding twelve hours) and before twelve o'Clock at night, and not exceeding twenty miles	18	0

RULE VII.

Respecting additional Fares depending on the Price of Oats.

When the average price of Oats (computed according to the 31 Geo. III. cap. 30,) shall exceed 25*s.* per quarter, the Commissioners for Hackney Coaches may cause an addition to be made to the Fares, in the following proportions, *viz.*

For every fare amounting to 2*s.* the sum of	0	6
For every fare amounting to 4*s.* the additional sum of	1	0

And so upon every increase of 2*s.* the additional sum of 6*d.*

But such additional fare is not to be payable, unless the Coach be taken the full distance, or kept in waiting the full period for which the original fare is allowed, so as to intitle the Coachman to the full two miles or four miles, as the case may be; and no increase shall take place until published by the Commissioners in the Gazzette, which increase may continue till thirty days after the average price of oats shall be reduced to one Guinea a quarter.

But when the average price of oats is reduced to one Guinea per quarter, the following reductions must be made, *viz.*

	s.	*d.*
On all fares above 2*s.* and under 5*s.* the sum of	0	6
On all fares amounting to 5*s* and under 7*s.* and 6*d.*	1	0
On all fares amounting to 7*s.* and 6*d.* and under 10*s.*	1	6
On all fares amounting to 10*s.* and upwards	2	0

Of which reduction the Commissioners are to give notice in the London Gazette.

RULE VIII.

Respecting Hackney Coaches plying at the Theatres and all Public Places.

Hackney Coachmen placing their Coaches at the side of the street, while in waiting at Public Places, or in any situation where they do not usually ply, shall be considered as liable to be hired the same as if on the Stand; and on complaint to the Commissioners or the Magistrates, shall be fined for refusal, unless the person so refusing, shall produce positive proof of being actually hired at the time. And when such proof is actually brought forward, reasonable compensation shall be made to the Coachman for loss of time.

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RATES OF HACKNEY CHAIRMEN.

	s.	d.
For the first hour (if paid by the hour) - -	1	6
For every hour afterwards - - - -	0	6
For every distance not exceeding a mile - -	1	0
For one mile mile to one mile and a half - -	1	0
For every half mile afterwards - - - -	0	6

NB. If any Coachman or Chairman shall refuse to go at, or exact more for his fare than according to the rates herein before specified, he shall forfeit a sum not exceeding £3. nor under 10*s.*; and on misbehaviour, abusive language, or otherwise, the Commissioners and Justices may revoke his Licence, and *inflict* a penalty; and on non-payment, the offender may be committed to Bridewell and be kept at hard labour for thirty days.—☞ *See the different penalties detailed in page* 61 *in this Treatise.*

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